PATTERNS OF POWER · THE VISIGOTHIC KINGDOM OF SPAIN

The Visigothic Kingdom of Spain

The Complete Study · 507 — 589 — 711

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with Claude (Anthropic) · 2026

held as tested, not revealed

Held as tested, not revealed.

A case study in the Patterns of Power series.
Primary sources quoted exactly; modern scholarship paraphrased and credited.
Contested figures given as ranges. Nothing reconstructed from memory.

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Preface and Outline

What the study found, how it was built, where it broke its own predictions, and a map of its thirteen parts

The spine

Most conquests in this collection begin with a battle and a date. This one has neither, and everything distinctive about it follows from that.

The Goths did not take Hispania. They were hired to defend it. In 416 a Gothic king named Wallia contracted with the Roman government to destroy the other barbarians who had crossed into the peninsula five years earlier, and did so — Hydatius records that he made great slaughter of barbarians within the Spains *Romani nominis causa*, for the sake of the Roman name. Two peoples were extinguished under that contract. The contractor was then recalled to Gaul and paid in land. When the authority that had hired him ceased to exist in the West sixty years later, his descendants were still holding the ground, and had no title to it whatever. The kingdom's own historian, writing for the dynasty and trying to praise it, records that before Leovigild came to the throne in 569 the Gothic people was *angustis finibus arctabatur* — hemmed within narrow bounds. The actual military subjugation of the peninsula was done by one man in eighteen years, a century and a half after the settlement it was supposed to have secured, and the first king to hold the whole of Hispania did so in 624, eighty-seven years before the kingdom ended.

Three things follow, and they are the study's spine.

The first is that a founding force acquired by sublet from the incumbent produces no conquest narrative and no warrant. There is no atrocity for a subject people to organise around — nothing in the Hispano-Roman record treats the Goths' arrival as a conquest, because in the sense that matters it was not one. But the conqueror inherits the job and not the title, and the whole subsequent history is a search for a warrant these kings could not issue in their own name. The instruments are datable and physical: a throne and royal dress from about 569, in a people among whom, Isidore says, dress and seating had until then been common to kings and commons alike; royal coinage from about 580; an elective constitution underwritten by anathema in 633; crowns of gold inscribed *offeret*, made to be given away and hung above somebody else's altar; and in 672 a king on his knees while a bishop poured oil on his head.

The second is that the order borrowed almost everything, and the borrowing worked. Its legitimacy came from a church it did not control. So did the formation of children, through episcopal schools legislated in 527 — under Arian kings, sixty years before the dynasty joined the institution running them. So did its only means of addressing its population, the canons read aloud from every pulpit in the kingdom on a fixed date. So did the larger part of its fiscal architecture, and by 700 the same institution was the peninsula's most secure accumulator of land, because donations are permanent and confiscations are reversible. An order can run on credit of that kind for a very long time and this one did. What it cannot do is survive the lender's interest diverging — and the price it paid was its own continuity. Within three generations of 589 the ruling people had no language, no liturgy, no school and no formation; the apparatus they joined absorbed them. Having built nothing to form their own children with, the conquerors handed them to the institution of the conquered, and there were no more Goths.

The third is that the one thing no order can borrow is its rule for who rules next, and that is what killed this one. The received view, given by two foreign chroniclers, is of a people with a detestable custom of killing kings — the *morbus Gothorum*, the Gothic disease. The record does not support it as a diagnosis. Across a hundred and twenty years of coups and armed risings, nobody attempted to alter the property settlement, reduce the Church, abolish the code, or claim the throne on any basis but the one the arrangement already recognised: rebels sought anointing, conciliar ratification and coinage in the standard royal style. The default held at full strength on the structure and at zero on the office, and the reason is legible in the documents. Every position in the kingdom was secure — land unchallengeable at law after fifty years, episcopal office held for life, and from 683 the palatine nobility's persons and property protected against the crown by a canon the king confirmed as civil law. The throne alone was elective, made so in 633 to prevent seizure and separated from the property system in 653 for the same reason. And the throne alone could destroy every other position, by confiscation. So every royal death opened a contest with no legitimate heir and extinction for the losing family — and the reforms that produced this were adopted, by intelligent men, to fix the previous crisis.

How it was built

One module at a time, verification before writing, over the arc the Field Manual sets: a landscape and twelve modules, each with a framework function, each returning a refinement to the framework rather than merely applying it.

Public-domain primary sources are quoted exactly, in Latin with translation, at the length the argument needs. The most productive were the acts of the Fourth Council of Toledo of 633 in the Latin of the *Collectio Hispana Gallica Augustodunensis*, which supplied more of this study's sharpest material than any other single document — the school canon on the *lubricae aetatis annos*, the canon ordering Jewish children separated from their parents so that they might learn the faith by living in it, the canon in the same session declaring that no one may be compelled to believe, canon 75's threefold anathema, and the freedmen of a patroness who never dies; Isidore of Seville's *Historia Gothorum*, whose concessions against interest are worth more than its praise; John of Biclaro's chronicle, written by a man Leovigild had exiled and favourable to him anyway; Hydatius and Orosius, two witnesses with exactly opposite interests, whose agreements therefore carry weight; the Chronicle of 754, the only near-contemporary account of the end; Martin of Braga's sermon to the peasantry of Gallaecia; Julian of Toledo on the anointing of Wamba; the Cartagena inscription of the patrician Comenciolus; and the Guarrazar crowns.

Where the study is thin, it says so, and the largest gap should be named here rather than left in the notes. Zeumer's *MGH* text of the *Liber Iudiciorum* was not available to me for most of the code. The settlement laws of Book X, the marriage law of Book III and a handful of others were recoverable in Latin from the Spanish legal-historical literature and are quoted. The rest — the penalty tariffs, the fugitive provisions, the two laws restraining masters from killing or maiming their slaves, and both of the great military statutes of 673 and 681 — are summarised from published translations and the modern literature, with Wamba's law cited by its verified rubric alone. The conciliar Latin was available for the Fourth Council and not for the Twelfth, Thirteenth, Fifteenth, Sixteenth or Seventeenth, so the councils on which Modules 8 and 9 most depend are reported rather than quoted, and the canon that binds the crown — canon 2 of Toledo XIII — is taken from the Spanish scholarship. The Pact of Tudmir survives only in Arabic in later compilations and is given from translation. And the claim that the Arian church in Spain ran no formation apparatus is an argument from silence, made against an archive curated by the party that won in 589; the evidence offered against that weakness is the outcome rather than the record.

Contested figures are given as ranges throughout: the Gothic incomers at 100,000 to 500,000 against a Hispano-Roman population of four to six million, with the archaeology favouring the lower end; Fredegar's two hundred *primates* and five hundred *mediocres* as a hostile foreigner's round numbers; the size of the force that crossed in 711; and the mortality of the first plague pandemic in Iberia, on which the literature is currently divided and on which nothing here depends.

Four predictions were broken in the open and are left broken.

The seed's claim that this kingdom had no metropole — the property that makes it valuable, since the absence of a sending power removes a variable every other absorption case carries — needs a date it was not given. Between 511 and 526 the kingdom was administered from Ravenna on behalf of a child, by an Ostrogothic officer who then took the throne himself, and it held a Gallic province at Narbonne until after the Muslim conquest. The clean statement is that the kingdom had no metropole from Theudis onward, which is 531.

The standing prediction that a small ruling minority cuts its legitimating story for the people whose belief it needs — its own warriors, or a distant paymaster — inverts here. Leovigild's apparatus was Gothic and inward-facing. Two generations later Isidore opens his history of the *Gothic kings* by addressing Hispania in the second person as a sacred mother, and demotes Magog and the Getae to an appendix. The robe was re-cut for the conquered, and the tell is the object of address in the panegyric.

The *morbus Gothorum* is refused as a diagnosis, on the evidence of what the rebels actually demanded.

And one factual correction was made to a completed module rather than quietly absorbed: the anathema of canon 75 is pronounced three times, not twice, with a closing acclamation from clergy and people; and Isidore's presidency of the council, which the study first hedged, is established by his subscribing the acts first and in the participial formula *haec constituens*.

The discipline

Legibility is not pardon.

The Visigothic kingdom gave Iberia its first political unity in recorded history. It produced the *Liber Iudiciorum*, a territorial code applying one law to every inhabitant regardless of descent, four centuries before anything comparable in Europe, still in use six hundred years later and translated into Castilian in 1241. It produced the councils of Toledo, the most sophisticated deliberative institution in the post-Roman West, which invented an elective monarchy with a written accountability clause, produced a charter binding the crown, and in 688 refused a reigning king's demand to repeal it. It produced Isidore's *Etymologiae*, which was the reference work of the entire Latin West for eight hundred years. It produced royal unction eighty years before the Franks adopted it. And it struck out an inherited Roman prohibition on intermarriage and fused two peoples so completely that within a century the distinction survived only as a note in a property deed.

The other column is also complete. Two peoples extinguished under Roman contract in 418. A kingdom of a hundred and seventy-seven years ended in 585. Seven hundred noblemen executed on the only figure anyone recorded. An army annihilated to the last man on an African beach. Six reigns of campaigning in mountains that were never held and which the kingdom's own apologist describes as exercise. A code that punishes by the purse at the top and by the body at the bottom, in floggings counted to three hundred. A majority of the working population unfree for three centuries, whose treatment appears in the record only as legislative traffic — protections suppressed in 681 to pay for noble privilege, restored in 693 to spite a rebellious nobility. And, across eighty years, the forced baptism of an entire religious population, the removal of its children to Christian households so that they might learn the faith by living in it, a permanent archive of signed abjurations kept against them and their descendants, a bar on public office extended to *those descended from Jews*, and in 694 a decree of enslavement and the separation of children from the age of seven.

Both columns stand. Neither cancels the other, because the people in the two columns were not the same people.

The arithmetic is laid out. The sum is left to the reader.

The arc

Landscape · Nothing New in the Spains. The ground the Goths walked onto — a Roman order that was itself a two-century conquest naturalised until a Spaniard could spend it as small change in an argument about something else, and an armed people the empire hired to defend it.

1 · Hemmed Within Narrow Bounds. The floor of force. A kingdom with no founding conquest, an army assembled a century and a half after the settlement, and two holes — the northern mountains and an imperial province let in by a Gothic pretender — that were never closed.

2 · Nothing Lost to the Treasury. The settlement. Two parts to the Goth and a third to the Roman, a fifty-year bar on reopening it, and a state that defended the conquered's share because the tax attached to it. How far down the transfer reached, and what follows from its reaching exactly one stratum.

3 · Snatched Her and Loved Her. The robe. The invention of Gothic majesty in a single reign, the story that replaced it and was addressed to the conquered country instead, and the price of a warrant these kings could not issue themselves.

4 · The Slippery Years. Formation. The apparatus the Goths found already running and never matched, why the father's conversion of a kingdom failed and the

son's succeeded eight years later with the same nobility, and what a council that understood the mechanism exactly did with that understanding.

5 · The Patroness Who Never Dies. The cost column. What compliance cost the ordinary man, what it bought him, and three exits that all came out sideways into somebody else's protection.

6 · Nothing Smaller Than Gold. Extraction. Two rivers, one of them private and much the larger; a coinage struck in a denomination no ordinary person handled; and a treasury that grew chiefly by confiscating from the political class, which is borrowing from the next reign.

7 · The Humble Historian's Invective. Information and suppression. The only channel that reached everyone and who owned it, a four-part official dossier whose author later presided at his hero's erasure, and an archive of signed conversions that outlived the policy by four reigns.

8 · The One Thing No Man Could Inherit. Elite coordination and the default. Why an aristocracy that killed its kings for two centuries never once attacked the arrangement they sat on, and the statute of 693 that manufactured the fracture class eighteen years before it was needed.

9 · And Those Descended From Them. Plurality or foreclosure. Who was in the room when the protections were written, which liberties were real and how one of them stopped being words in 688, and the liberties that were taken away in the same sessions to pay for them.

10 · The Army That Came With Him. Change and collapse. A conquest that arrived into a fracture the state had legislated, an army that came to the field out of ambition for the kingdom, and a treaty in wheat and barley twenty-two months later.

11 · A Hundred and Forty Years of Peace. The grim accounting. What the sword took and why almost none of it was counted, a metabolic note called before the collapse rather than by it, and a chronicler who remembered peace.

12 · As It Had Been at Toledo. Convergence and divergence. The case read against the corpus and against the neighbour who chose differently and lived, the strongest argument for the order stated at full strength and answered, and a robe that outlived its floor by eight hundred years and was worn by strangers.

LANDSCAPE

Nothing New in the Spains

The ground the Goths walked onto — a Roman order that was itself a naturalised conquest, an armed people the empire had hired to defend it, and the arithmetic of the century that made a kingdom

Nothing new

Some time around 417, a priest from the north-west of the Iberian peninsula, writing in North Africa at the prompting of Augustine of Hippo, described what had lately happened to his homeland. Barbarians had crossed the Pyrenees, the provinces had been plundered, cities had burned. And then he wrote the sentence that this study begins from, because it does in a single clause what a landscape module exists to do:

> *inruptae sunt Hispaniae, caedes uastationesque passae sunt: nihil quidem nouum, hoc enim nunc per biennium illud, quo hostilis gladius saeuiit, sustinuere a barbaris, quod per ducentos quondam annos passae fuerant a Romanis.*
> *The Spains were invaded; they suffered slaughter and devastation. Nothing new, in fact: what they endured now from the barbarians, in that two years while the enemy sword raged, is what they had once suffered from the Romans for two hundred years.*

Orosius was not making an anti-Roman point, and it is important to be exact about what he was doing, because the exactness is the finding. He was an advocate for Christian times, commissioned to prove that the world had not begun collapsing when the temples closed, and his rhetorical need here was to make the present catastrophe look ordinary. To do that he reached for the Roman conquest of Hispania as a comparison every reader would accept without argument — as one reaches for a fact so settled it can be spent as small change. He knew precisely what Rome had done to the peninsula. He knew it had taken two centuries. He knew it had been worse than what the Vandals and the Sueves were doing. And none of that knowledge generated any claim, any grievance, any politics whatsoever. It was simply a thing that had happened, available for use in an argument about something else.

That is the first fact about the ground the Goths were about to inherit, and the whole study depends on getting it in place before anything else: the order they found

was not an aboriginal condition of the peninsula. It was a conquest that had finished naturalising.

The conquest itself is well dated at both ends. Roman armies landed at Emporion in 218 BC, in a war against Carthage rather than against anyone in Spain; two provinces were organised in 197; and thereafter the peninsula absorbed a century and a half of intermittent, ferocious campaigning against peoples who did not want to be part of it. The Lusitanian leader Viriathus was killed by bribed assassins in 139 BC. Numantia, the Celtiberian town on the Douro, fell in 133 after a siege that Roman memory itself preserved as a horror. The last stage came under Augustus, who moved to Segisama in 26 BC to run the northern war in person, and needed something on the order of eight legions and their auxiliaries — better than fifty thousand men — to break the Cantabri, the Astures and the Gallaeci, with the main fighting finished in 19 BC, revolts continuing for a further three years, and two legions left standing in the north for another seventy. From the landing to the settlement is two hundred years almost exactly, which is why Orosius's figure is not rhetorical inflation but arithmetic.

And then, in a span roughly as long, the thing became the world. Pliny the Elder, writing in the 70s AD, records the moment in a single administrative sentence dropped between a note on Spanish mines and a note on the Pyrenees: *universae Hispaniae Vespasianus Imperator Augustus iactatum procellis rei publicae Latium tribuit* — the emperor Vespasian granted the Latin right to the whole of Hispania, buffeted as he was by the storms of the state. Some three hundred and fifty communities took municipal status under that grant. Trajan and Hadrian were born at Italica in Baetica. The chronicler Hydatius opens his continuation with the plainest possible statement of where the peninsula stood by the end of the fourth century: *Theodosius natione Hispanus, de provincia Gallaecia, civitate Cauca, a Gratiano augustus appellatur* — Theodosius, a Spaniard by birth, from the province of Gallaecia, from the town of Cauca, is proclaimed Augustus by Gratian. Orosius makes the pattern explicit, noting that Gratian chose Theodosius by the same providence with which Nerva had once chosen Trajan, each of them a Spanish man raised to hold the world together.

So the province Rome had spent two centuries subduing supplied the emperor who, in 380, made Nicene Christianity the confession of the Roman state. The descendants of Numantia were running the empire. Nobody in Hispania in the year 400 was a Celtiberian with a claim; there were only Romans, speaking Latin, worshipping in a Roman church, holding land under Roman law, and reading the four-hundred-year-old wars against their own great-grandfathers' grandfathers as ancient history with no bearing on anyone's standing. The Roman order in Hispania was the most real thing in the peninsula. That is exactly why the Goths would end up inside it rather than over it.

The furniture

What that reality consisted of, institutionally, can be read off a single document that predates the Gothic arrival by a century.

At some point in the first decade of the fourth century — the date is contested, with estimates running from about 300 to 309, and a serious argument that only the first twenty-one canons belong to the meeting itself while the rest is a later Hispanic collection attached to it — nineteen bishops met at Elvira in Baetica, near modern Granada, with a body of presbyters (the manuscripts differ on whether there were twenty-four, twenty-six or thirty-six) and deacons and laity standing by. The subscription list is the point. It runs from Baetica up through Mérida, Toledo, Zaragoza and León: an episcopal network already spanning the peninsula, already able to convene, already legislating, before Constantine had finished converting and while the memory of Diocletian's persecution was fresh enough that the first canon deals with what to do about Christians who had sacrificed.

The canons show the society they were regulating with an intimacy no narrative source achieves. Canon 40 forbids landowners to accept, among the rents delivered to them, anything that has been offered to an idol. Canon 41 tells the faithful to keep idols out of their houses so far as they can — *si vero vim metuunt servorum*, but if they fear violence from their slaves, they must at least keep themselves pure. That is a villa estate in one clause: a Christian proprietor, a pagan slave household large enough to be dangerous, and a bishop who knows he cannot ask for more than the proprietor can deliver.

And three canons establish a population that will matter more to this study than any other. Canon 16 forbids giving Catholic girls in marriage to heretics *sed neque Iudaeis neque hereticis dare placuit, eo quod nulla possit esse societas fideli cum infidele* — nor to Jews either, since there can be no fellowship between the faithful and the unfaithful. Canon 49 warns landowners *ut non patiantur fructus suos, quos a deo percipiunt, cum gratiarum actione a Iudaeis benedici, ne nostram irritam et infirmam faciant benedictionem*: not to allow the crops they receive from God to be blessed by Jews, lest they render our own blessing void and feeble. Canon 50 rules that any cleric or layman *qui cum Iudaeis cibum sumpserit* — who takes food with Jews — is to be held from communion until he mends.

Prohibitions are evidence of practice. Christian landowners in southern Spain were having their harvests blessed by Jewish neighbours; Christians and Jews were eating at the same tables; Christian families were marrying daughters to Jews. The bishops disliked all of it and said so, and the fact that they had to say so establishes that the Jewish population of Hispania around the year 300 was old, settled, agricultural,

socially adjacent and religiously prestigious enough that a Christian farmer thought a Jewish blessing worth having. Whatever is done to that population three centuries later will be done to people who had been in the peninsula longer than the Church had.

The same church could produce heresy and could get the state to kill for it. Around 385 the Galician ascetic Priscillian, having been made bishop of Ávila by sympathetic colleagues, was condemned at Trier under the usurper Maximus and executed — with, as Hydatius records in a flat clause, the layman Latronianus and a number of his followers: *aliquantique sectatores ejus apud Trevirim sub tyranno Maximo caeduntur*. It is generally reckoned the first execution for heresy in Christian history, and it was a Spanish affair from beginning to end. Hydatius's next sentence is the one that matters for the landscape: *Exin in Gallaeciam Priscillianistarum haeresis invasit* — thereafter the Priscillianist heresy invaded Gallaecia. The killing did not work. A century and a half later Spanish bishops were still legislating against it.

So: an urbanised, Latin-speaking, land-owning provincial society, formed to Roman law and increasingly to Nicene Christianity, with a functioning episcopate that could assemble across the whole peninsula, a slave and tenant substrate below the villa owners, a Jewish population woven into the countryside, and enough internal religious energy to generate a heresiarch and to fail to suppress him. That is the incumbent order. It had a floor of force too — the legions of the north, the fiscal apparatus, the governors — but the floor is the part that was about to fail, and the rest of it is the part that would not.

Two witnesses with opposite interests

On a Tuesday in the autumn of 409 — Hydatius gives the year by the Spanish era as 447, which is 409, and reports that some remembered the day as 28 September and others as 13 October — the Alans, the Vandals and the Sueves crossed into Hispania. They had been on the Rhine since the last days of 406, had spent two years in Gaul, and got through the Pyrenean passes because the troops set to guard them, a body of federates called the *Honoriaci*, opened them. Orosius, who blames the whole disaster on that betrayal, says the guards had first been given the plunder of the Palentine fields as their price and were then handed the mountain passes, the loyal peasant watch having been removed to make room for them.

What followed is described by two contemporaries whose interests run in exactly opposite directions, and setting them side by side is the most useful thing this landscape can do, because everything later in the century has to be read through the same problem.

Hydatius, bishop of Aquae Flaviae in Gallaecia, wrote in the 460s under Suevic raiding that had at one point carried him off into three months' captivity. His chronicle is an argument that the world is ending, framed on Ezekiel's four judgments, and his account of the years after 409 is the darkest passage in the fifth-century record:

> *Debacchantibus per Hispanias barbaris, et saeviente nihilominus pestilentiae malo, opes et conditam in urbibus substantiam tyrannicus exactor diripit, et miles exhaurit: fames dira grassatur, adeo ut humanae carnes ab humano genere vi famis fuerint devoratae: matres quoque necatis vel coctis per se natorum suorum sint pastae corporibus... Et ita quatuor plagis ferri, famis, pestilentiae, bestiarum, ubique in toto orbe saevientibus, praedictae a Domino per prophetas suos annuntiationes implentur.*
> *While the barbarians raged through the Spains and the evil of plague raged no less, the tyrannical tax-gatherer plundered the wealth and the goods stored in the cities, and the soldier drained them dry; dreadful famine stalked, so that human flesh was devoured by humankind under the force of hunger, and mothers fed on the bodies of their own children, killed and cooked by themselves... And so, with the four plagues of sword, famine, pestilence and beasts raging everywhere throughout the whole world, the announcements foretold by the Lord through his prophets are fulfilled.*

Note what he puts first among the agents of ruin, before the famine and before the beasts: *tyrannicus exactor... et miles* — the tax-collector and the soldier. Even in an apocalypse the Roman fisc is doing part of the damage.

Orosius, who needs the opposite conclusion, concedes the point about taxes with a candour that is worth more than any amount of hostile testimony, because it costs him something to say it:

> *quamquam et post hoc quoque continuo barbari exsecrati gladios suos ad aratra conuersi sunt residuosque Romanos ut socios modo et amicos fouent, ut inueniantur iam inter eos quidam Romani, qui malint inter barbaros pauperem libertatem, quam inter Romanos tributariam sollicitudinem sustinere.*
> *And yet even after this the barbarians immediately cursed their swords and turned to the plough, and now cherish the remaining Romans as allies and friends, so that there are already found among them certain Romans who would rather endure a poor liberty among the barbarians than a tax-paying anxiety among the Romans.*

An advocate for the empire, writing to defend it, records that some of its subjects had done the arithmetic and preferred the invaders. He is minimising and he is a partisan; that is exactly why the concession counts.

The two men agree on the outcome, and where two witnesses with opposite interests agree the agreement carries weight. Hydatius:

> *Subversis memorata plagarum grassatione Hispaniae provinciis, barbari ad pacem ineundam, Domino miserante conversi, sorte ad inhabitandum sibi provinciarum dividunt regiones... Hispani per civitates et castella residui a plagis, barbarorum per provincias dominantium se subjiciunt servituti.*
> *The provinces of Hispania having been overthrown by the aforesaid onslaught of plagues, the barbarians, turned by the Lord's mercy to making peace, divided the regions of the provinces among themselves by lot, to live in... The Spaniards left in the cities and forts after the plagues subjected themselves to the servitude of the barbarians ruling through the provinces.*

Orosius records the same lot-drawing in half a line — *habita sorte et distributa usque ad nunc possessione consistunt* — and moves on. Gallaecia went to the Vandals and the Sueves, Lusitania and Carthaginiensis to the Alans, Baetica to the Siling Vandals. The peninsula's Roman administration did not resist the partition; it had nothing left to resist with.

That there was a native capacity for organised violence, and that it was pointed at the tax system rather than at the barbarians, is the other half of the picture. Hydatius reports the *bacaudae* of the Ebro valley across the 440s: Asturius cutting down a multitude of them in Tarraconensis, his son-in-law Merobaudes breaking the insolence of the bacaudae of Aracelli, and, in 449, a man named Basilius gathering bacaudae and killing federate troops inside the church at Tyriasso, where the bishop Leo also died of his wounds. In 454 Frederic, brother of the Gothic king, destroyed the Tarraconensian bacaudae *ex auctoritate Romana* — on Roman authority. Whatever the bacaudae were, and the scholarship argues about it, Gothic troops were killing them on Rome's warrant a full half-century before the Goths ruled anything in Spain.

The people the empire hired

The Goths came into this by contract, and the contractual origin is the single most consequential fact about the founding of their kingdom.

They had crossed the Danube in 376 as refugees from the Huns, admitted by the emperor Valens; had destroyed a Roman field army and killed that emperor at Adrianople in 378; had been settled, employed, and repeatedly renegotiated with; and

under Alaric had entered Rome itself in August 410 — an event Orosius insists lasted three days and did less damage than a fire under Nero, which tells you about Orosius. Alaric died the same year; his kinsman Athaulf succeeded, took the emperor's sister Galla Placidia as his wife at Narbonne in 414, and was murdered by one of his own men at Barcelona in 415.

Before that murder, according to a chain of transmission that Orosius sets out with unusual care, Athaulf had said something worth quoting entire. Orosius reports that he himself heard it at Bethlehem from a man of Narbonne who had served with distinction under Theodosius, a serious and religious man, who had been intimate with Athaulf and had often heard him say it under oath:

> *se inprimis ardenter inhiasse, ut oblitterato Romano nomine Romanum omne solum Gothorum imperium et faceret et uocaret essetque, ut uulgariter loquar, Gothia quod Romania fuisset et fieret nunc Athaulfus quod quondam Caesar Augustus, at ubi multa experientia probauisset neque Gothos ullo modo parere legibus posse propter effrenatam barbariem neque reipublicae interdici leges oportere, sine quibus respublica non est respublica, elegisse saltim, ut gloriam sibi de restituendo in integrum augendoque Romano nomine Gothorum uiribus quaereret habereturque apud posteros Romanae restitutionis auctor, postquam esse non potuerat immutator.*
> *That at first he had ardently desired to blot out the Roman name and make all Roman soil a Gothic empire in fact and in name, so that, to put it plainly, what had been Romania should become Gothia, and Athaulf should now be what Caesar Augustus once was; but that when long experience had proved to him that the Goths could not in any way obey laws, on account of their unbridled barbarism, and that the laws ought not to be taken away from the state, without which a state is not a state, he had chosen instead to seek glory for himself by restoring and enlarging the Roman name with Gothic strength, and to be held by posterity the author of a Roman restoration, since he could not be its transformer.*

The provenance is third-hand and the speech is doing work for Orosius, who needs the barbarians to be turning Roman; a reader should hold it as what a Gothic king's Roman associate said he said, not as a transcript. But held that way it is still remarkable, because it states in 415 the choice that the kingdom would spend the next three hundred years actually making, and it states it as a defeat: he wanted Gothia and settled for restoring Romania.

His successor but one, Wallia, made the settlement formal. Orosius says Wallia gave picked hostages, returned Placidia honourably to her brother, and *Romanae securitati periculum suum obtulit, ut aduersus ceteras gentes, quae per Hispanias consedissent, sibi*

pugnaret et Romanis uinceret — offered his own peril for Roman security, to fight for himself and conquer for the Romans against the other peoples who had settled through the Spains. And Orosius then quotes what he says the barbarian kings collectively sent to the emperor Honorius, which is either the most cynical or the most clear-eyed sentence in the fifth century:

> *tu cum omnibus pacem habe omniumque obsides accipe; nos nobis confligimus, nobis perimus, tibi uincimus, immortali uero quaestu reipublicae tuae, si utrique pereamus.*
> *Have peace with all and take hostages from all; we fight for ourselves, we perish for ourselves, we conquer for you — and with undying profit to your state if we both perish.*

That is the arrangement under which Goths first fought in Hispania. Hydatius records the result in seven words: *Wallia, rex Gothorum, Romani nominis causa intra Hispanias caedes magnas efficit barbarorum* — Wallia, king of the Goths, for the sake of the Roman name, makes great slaughter of barbarians within the Spains. He was as good as the phrase. The Siling Vandals in Baetica were, in Hydatius's word, *omnes exstincti*; the Alans were cut down so severely that after their king Addax was killed the few survivors abolished the name of their kingdom altogether and put themselves under the protection of the Vandal king in Gallaecia. Two peoples ended, on Roman contract, by Gothic swords.

And then, the work done, the contractor was recalled and paid: *Gothi intermisso certamine quod agebant, per Constantium ad Gallias revocati, sedes in Aquitanica a Tolosa usque ad Oceanum acceperunt* — the Goths, their campaign broken off, were recalled to Gaul by Constantius and received seats in Aquitanica from Toulouse to the Ocean.

Whatever else the Visigothic kingdom was, this is how it began: not with a conquest of Hispania but with a subcontract to defend it, executed against other barbarians, on behalf of an empire that then withdrew its agents to Gaul and gave them land. There is no founding battle against the Hispano-Romans. There is no date on which the peninsula was taken from anybody. The Goths came in as the government's instrument, came back over the following decades as its enforcers against the bacaudae and the Sueves, and were still there, holding the ground, when the government that had hired them ceased to exist.

The other creed

They arrived holding a different confession from the people they would rule, and the difference had almost nothing to do with theology and everything to do with when they had been catechised.

The Gothic church was the work of Ulfila, born about 311 to a family with Cappadocian Christian ancestry carried off in a third-century raid, raised among the Goths, made lector, and consecrated bishop for the Christians in Gothic territory at about the age of thirty — the year is either 336 or 341 — by Eusebius of Nicomedia, at that time the leading figure of the anti-Nicene party and bishop of Constantinople. Ulfila preached, according to his foster-son Auxentius, in Greek, Latin and Gothic without ceasing; he devised an alphabet and translated the scriptures into Gothic, producing the first substantial text in any Germanic language; and the confession he taught is preserved in Auxentius's letter as the words of a dying man:

> *Ego Ulfila episkopus et confessor semper sic credidi et in hac fide sola et uera transitum facio ad dominum meum: unum esse deum patrem solum ingenitum et inuisiuilem et in unigenitum filium eius dominum et deum nostrum... nec equalem sed subditum et oboedientem in omnibus filio et filium subditum et oboedientem suo in omnibus deo patri.*
> *I, Ulfila, bishop and confessor, have always believed thus, and in this faith alone and true I make my passage to my Lord: that there is one God the Father, alone unbegotten and invisible, and in his only-begotten Son our Lord and God... [the Spirit] neither equal but subject and obedient in all things to the Son, and the Son subject and obedient in all things to his own God the Father.*

The Goths did not adopt this in defiance of the empire. They adopted it *from* the empire, in the decades when the imperial court itself held it and the Nicene party were the ones being deposed. Orosius, hostile and compressing badly, gives the version a Catholic Spaniard told himself a generation later:

> *Gothi antea per legatos supplices poposcerunt, ut illis episcopi, a quibus regulam Christianae fidei discerent, mitterentur. Valens imperator exitiabili prauitate doctores Arriani dogmatis misit. Gothi primae fidei rudimento quod accepere tenuerunt.*
> *The Goths had earlier asked through suppliant envoys that bishops be sent to them from whom they might learn the rule of the Christian faith. The emperor Valens, with deadly perversity, sent teachers of the Arian doctrine. The Goths held to what they received in their first instruction in the faith.*

The chronology is wrong — Ulfila was consecrated a generation before Valens, and Gothic Christianity was already old when Valens came to the throne — and Orosius has a theological score to settle, since he goes on to observe with satisfaction that the Goths burned Valens alive. But the mechanism in his last sentence is the correct one and is the mechanism this entire study will be testing: *a people holds what it first received*. When Theodosius made the Nicene confession the state's in 380, the Goths did not change, because they had not been listening to Theodosius when they learned it. What had been the emperor's own creed became, on the day the emperor changed his, the mark of a separate people.

Nobody designed it as a boundary. It became one, and by the time the Goths were settled in Aquitaine it was the sharpest thing distinguishing them from the population among whom they lived — sharper than language, which was already sliding, and far sharper than law, which they were about to adopt wholesale.

Toulouse, and a king who legislated for Romans

The kingdom at Toulouse lasted from 418 to 507 and spent that time becoming, in every respect except confession, a Roman provincial administration with a Gothic army attached.

Theodoric I died fighting Attila on the Catalaunian Plains in 451, as a Roman ally. Euric, who took the throne in 466 by killing his brother, is the king who stopped pretending to hold Aquitaine on anyone's behalf, pushed the frontier to the Loire and across the Pyrenees, and issued the first written Gothic law — the code known as the *Codex Euricianus*, generally dated to the 470s, surviving only in a palimpsest of about fifty chapters, and already, in what survives, thoroughly Roman in its legal categories.

His son Alaric II is the one who matters most for the eve, because in a single year he did two things that show what the arrangement had become.

On 2 February 506 he promulgated, for his Roman subjects, a codification of Roman imperial law: sixteen books of the Theodosian Code with the post-Theodosian novels, Gaius, Paul's *Sentences*, and extracts from the Gregorian and Hermogenian codes, each accompanied by an *interpretatio* explaining it. The royal covering instruction to the count Timotheus is a document of a conquering king making himself the guarantor of the conquered's own law:

> *Providere ergo te convenit, ut in foro tuo nulla alia lex neque iuris formula proferri vel recipi praesumatur. Quod si factum fortasse constiterit, aut ad periculum capitis lui, aut ad dispendium tuarum noveris facultatum.*

> *It behoves you therefore to see to it that in your court no other law nor legal formula be presumed to be brought forward or received. And if this should perchance be shown to have been done, know that you will pay for it either at the peril of your head or at the cost of your property.*

The certified text was signed off by the king's referendary in a subscription that survives with it: *Anianus vir spectabilis ex praeceptione domini nostri gloriosissimi Alarici regis hunc codicem de Theodosiani legibus atque sententiis iuris vel diversis libris electum Aduris anno XXII, eo regnante, edidi atque subscripsi* — Anianus, of spectabilis rank, by the command of our lord the most glorious king Alaric, have issued and signed this code, selected from the laws of Theodosius and the opinions of the jurists and various books, at Aire in the twenty-second year of his reign.

Seven months later, in September 506, thirty-four or thirty-five Catholic bishops of the kingdom met at Agde in Septimania under the presidency of Caesarius of Arles, with the permission of the same Arian king, and legislated for a church he did not belong to. A second, larger council was planned for Toulouse the following year and never met, because the following year was 507.

Both acts are expenditures, and expenditures by a man who did not have to make them. Alaric held uncontested armed force in Aquitaine; his Roman subjects had no army and nowhere to go. He could have ruled them by decree. Instead he paid to have their law codified in their own tradition and licensed the assembly of their church, and what he bought with the payment was their recognition — which tells you, more reliably than any statement of his intentions, that he had concluded he needed it.

He needed it against a specific threat, and the threat named the confession as its reason. Gregory of Tours, writing eighty years later for the winning side, gives Clovis the sentence:

> *Igitur Chlodovechus rex ait suis: 'Valde molestum fero, quod hi Arriani partem teneant Galliarum. Eamus cum Dei adiutorium, et superatis redegamus terram in ditione nostra.'*
> *So king Clovis said to his men: 'I take it very ill that these Arians hold part of the Gauls. Let us go with God's help, and having beaten them bring the land under our rule.'*

At Vouillé, near Poitiers, in the summer of 507, Alaric II was killed and his army broken. Toulouse was lost. What followed was not a clean expulsion — the Goths kept Septimania, the coastal strip around Narbonne, until 720 — but it was the end of the Gallic kingdom. There followed a decade of dynastic wreckage: the pretender Gesalec driven from Narbonne to Barcelona and destroyed by Ostrogothic troops sent from

Italy, and the kingdom placed for roughly fifteen years, from 511 to 526, under the effective regency of Theoderic the Great in Ravenna on behalf of Alaric's young son Amalaric, administered on the ground by Theoderic's sword-bearer Theudis, who then took the throne himself.

That interval deserves noting precisely, because it is the only period in which the Visigothic kingdom answered to an external capital at all. Once Theoderic died and Theudis ruled in his own name, there was nowhere for the Goths to report to and nowhere to go home. What they had was the peninsula.

The arithmetic of the eve

And the peninsula was not, in 507, a country.

The Sueves held Gallaecia in the north-west and had held it since the lot-drawing of 411. Their king Rechila's son, Hydatius records under 448, succeeded him *catholicus* — a Germanic king in communion with the Catholic church nearly half a century before Clovis was baptised, in a kingdom the Goths would destroy under Theodoric II in 456 and finally annex in 585. That fact will need to be held on to when the study reaches the question of what conversion actually bought. The Basque country and the Cantabrian north had never been securely governed by anyone and would not be governed by the Goths; the Byzantines would take a slice of the south-east from 552 and hold parts of it for seventy years. Toledo would not become the settled royal seat until the middle of the sixth century.

The central number is a ratio, and it has to be given as a range because it is not known. Estimates of the Gothic population entering the peninsula run from about a hundred thousand at the low end to as much as half a million at the high; estimates of the Hispano-Roman population run from four to six million. That gives a spread from roughly one in fifty to something above one in ten, and the honest position is that the low end is better supported. The archaeological case for a large settlement rests on a group of fifth- and sixth-century cemeteries on the Meseta — Duratón, Castiltierra, El Carpio de Tajo, Cacera de las Ranas and others — whose dress-fittings and burial practice were once read straight off as Gothic, and whose ethnic interpretation is now contested to the point that a recent survey chapter is titled with the question whether this was a kingdom without Visigoths at all. Gisela Ripoll and others have pressed the objection that the characteristic material does not appear in Gallia Narbonensis where the Goths certainly were; Javier Arce has argued that the people who entered were in any case a poly-ethnic group of whom actual Goths may have been a minority. What can be said is that some barbarian-influenced dress and burial practice is visibly present

in central Spain in that period, that it is concentrated rather than general, and that it does not support the larger population figures.

Set beside that the linguistic and legal facts. Gothic was spoken, and Ulfila's scriptures were read in it, and it left perhaps a few dozen words in Spanish and a stock of personal names. But every instrument this kingdom produced — every law, every conciliar canon, every charter, every inscription, every coin legend — is in Latin. A ruling people of at most a few per cent, holding a different confession, using a different language in church and its subjects' language in every other function of state, sitting on top of a society that had been Roman for five hundred years and had supplied the empire with emperors.

That is the ground. The question the rest of the study exists to answer is what happened when that ruling people began, deliberately and by legislation, to stop being separate.

Reading the eve against the framework

Four things in this landscape revise or sharpen the method rather than merely illustrating it.

First, and most important: naturalisation is not amnesia. The framework holds that a conquered order becomes, across enough generations of formation, simply the furniture of reality — and it is easy to slide from that into assuming the conquest must have been forgotten for the naturalisation to be complete. Orosius refutes the assumption. He knew the Roman conquest of Hispania in detail, knew its duration to the decade, and rated it worse than the barbarian invasion he was living through. The knowledge was perfectly intact and generated nothing: no claim, no faction, no grievance, no politics. He used it as a rhetorical convenience in an argument about something else entirely.

So the test of whether a prior conquest has naturalised is not whether its origin is remembered. It is whether anyone can still draw a claim from it. A conquest becomes furniture when its descendants can no longer be organised around it — when it has become a fact about the past rather than a fact about who owes what to whom. That is a sharper and more usable criterion than the one the corpus has been carrying, and it can be checked in any case where the record preserves what the conquered said about their own origins.

Second, a founding force can be acquired by contract from the order it will replace, and where it is, the founding act produces no conquest narrative — and no warrant. The method's standard question about origins asks who held organised violence at the founding and by what act — conquest, coup, consolidation. This case

answers: none of those. The Goths' first work in Hispania was performed under a treaty with the Roman government, paid for in grain, directed against other barbarians, and concluded with the contractor's withdrawal to lands the employer granted him. Hydatius's phrase is exact and it is the employer's language: *Romani nominis causa*, for the sake of the Roman name.

Call this provenance a sublet. It is cheap, and it has an obvious advantage: because the incumbent population was never conquered by the newcomers, there is no atrocity to answer for, no dispossession to justify, no founding violence for a subject people to organise around. Nothing in the Hispano-Roman record treats the Goths' arrival as a conquest of Hispania, because in the sense that matters it was not one.

But it carries a liability that is the mirror image of its advantage, and the liability drives the whole subsequent history: **you inherit the job and not the title.** The Gothic kings held their ground on a warrant issued by an authority that stopped existing in the West in 476. Athaulf's reported speech is the position stated in advance and with unusual honesty — he had wanted to be Augustus and had settled for being the restorer of a Roman name that would shortly have no bearer. Alaric II's expenditures in 506, codifying Roman law for Romans and licensing a Catholic council he had no share in, are a king shopping for a warrant he could hold in his own right, using the only currencies his subjects recognised. Force never pays for what it does not need, and he was paying.

Third, the case complicates the proposition that this kingdom had no metropole. It had none for most of its life, and that is what makes it valuable — the absence of a sending power removes a variable every other absorption case carries. But it is not quite absolute. For roughly fifteen years after 511 the kingdom was administered from Ravenna on behalf of a child, by an Ostrogothic officer, and it kept a Gallic province at Narbonne until after the Muslim conquest. The clean statement is that the kingdom had no metropole *from Theudis onward*, which is from 531, and the study should use that date rather than 507.

Fourth, a method note on witnesses. This landscape rests substantially on two chroniclers with opposite and declared interests: Orosius needs the barbarian devastation to be unexceptional and the barbarians to be turning Roman, and minimises accordingly; Hydatius needs the same events to be the four judgments of Ezekiel and maximises accordingly. Where they diverge, neither can be preferred on internal grounds. Where they converge — on the division of the provinces by lot, on the submission of the surviving Hispano-Romans, on the presence of Roman fiscal extraction among the causes of ruin — the convergence is worth more than either testimony alone, because each is agreeing to something his own argument would rather

not concede. That is a general rule and it will be needed badly at the other end of this study, where the witnesses to 711 are a terse Christian writing under Muslim rule and a body of Arabic literature written two centuries after the fact.

A note on sources. All quotations above are given exactly from public-domain primary texts in Latin. The Orosius passages are from the *Historiae adversus paganos*, book 7, chapters 33, 34, 41 and 43, in the text based on Zangemeister's edition; the work was written at Augustine's request and completed in 417 or 418, and its declared purpose — to show that the Christian era had not brought unprecedented calamity — is an interest to be held against everything it reports about barbarians. Orosius was a priest from Hispania, probably from Bracara Augusta in Gallaecia, though his birthplace is not certain. The Athaulf speech at 7.43.5–6 reaches Orosius at third hand, from a man of Narbonne who reported it to Jerome at Bethlehem in Orosius's hearing, and should be weighed as such. The Hydatius passages are from the *Chronicon*, cited here in the older Migne numbering (chapters XV–XVII, XXIII–XXIV and following) whose orthography differs from R. W. Burgess's critical edition of 1993; Hydatius was bishop of Aquae Flaviae in Gallaecia, wrote in 468–69, was himself briefly a Suevic captive, and frames his chronicle as an account of the approaching end of the world. Pliny, *Naturalis Historia* 3.30, for Vespasian's grant of Latin right; the reading *iactatum* against *iactatus* is disputed and would slightly change the sense. The canons of Elvira are quoted from the Latin conciliar text; the council's date is contested within roughly 300–309, and Maurice Meigne's argument that only canons 1–21 belong to the council proper, the remainder being a later Hispanic collection, applies to canons 40, 41, 49 and 50 as quoted, all of which are in any case Hispanic and long pre-Visigothic. Ulfila's confession is quoted from the letter of Auxentius of Durostorum, preserved in the margins of a manuscript of Ambrose's *De fide* and written around 400 by a partisan of the man it commemorates; his consecration is dated either 336 or 341. The commonitorium and subscription of the *Lex Romana Visigothorum* are quoted from the standard text; promulgation on 2 February 506 at Aire-sur-l'Adour, in the twenty-second year of Alaric II. Gregory of Tours, *Libri Historiarum* 2.37, for Clovis's stated motive, written some eighty years after Vouillé by a Gallo-Roman bishop wholly committed to the Frankish and Catholic side.

Modern scholarship is paraphrased and credited, not quoted: Roger Collins on the Visigothic kingdom as the first political unification of the peninsula and on the distorting force of the older Spanish historiography; E. A. Thompson on the Goths in Spain; Gisela Ripoll, Javier Arce and the current cemetery debate on the ethnic interpretation of the Meseta necropoleis, where the position taken here — that barbarian-influenced burial is really present but does not bear the weight of the larger

population estimates — follows the sceptical side of a live argument and should be marked as contested. Contested figures given as ranges: Gothic incomers, 100,000–500,000, with the archaeology favouring the lower end; Hispano-Roman population, 4–6 million; bishops at Agde in 506, thirty-four or thirty-five; presbyters at Elvira, twenty-four, twenty-six or thirty-six depending on the manuscript; the Roman force employed in the Cantabrian wars, on the order of eight legions with auxiliaries, upward of fifty thousand men.

MODULE 1

Hemmed Within Narrow Bounds

The floor of force — a kingdom with no founding conquest, an army assembled a century and a half after the settlement, and two holes that were never closed

A kingdom without a conquest

The ordinary question to put to an order at its founding is: who held organised violence, and by what act was the order established, and against whom. In this case the question has no answer, and refusing to manufacture one is the module's first finding.

There is no battle at which the Goths took Hispania. There is no treaty by which it was ceded to them, no city whose fall marks the transfer, no year a Hispano-Roman could have pointed to and said *that is when we were conquered*. What there is instead is a hundred and fifty years of a small armed people living inside a province under an arrangement that began as a contract of service, drifting into possession as the contracting authority dissolved, and only then — very late, and by one man in eighteen years — acquiring anything that could be called military control of the peninsula.

The kingdom's own historian says so. Isidore of Seville, writing in the 620s for a dynasty he was engaged in glorifying, and having just praised Leovigild's campaigns, adds a clause that undercuts three centuries of Gothic self-presentation in six words:

> *Hispania magna ex parte potitus. Nam antea gens Gothorum angustis finibus arctabatur.*
> *He gained possession of the greater part of Hispania. For before this the Gothic people was hemmed within narrow bounds.*

That is the apologist. Before 568 the Goths held a portion of the peninsula and a strip of southern Gaul; the north-west was a Suevic kingdom, the south-east was an imperial province, the northern mountains were nobody's, and a number of cities inside the nominal Gothic zone were, in the phrase the chroniclers keep reaching for, *rebelles*. A study that wrote the Visigothic floor as a conquest would be describing something that did not happen.

What did happen is worth reconstructing exactly, because the shape of it governs everything downstream.

What Leovigild found

Liuva became king at Narbonne in 568 and in his second year made his brother Leovigild not merely his successor but his partner, assigning him the administration of Hispania while he kept Gaul. Isidore's comment on the arrangement is dry and characteristic: *Sicque regnum duos cepit, dum nulla potestas patiens consortis sit* — and so the kingdom took two men, though no power tolerates a partner.

What Leovigild took charge of was a wreckage the Gothic aristocracy had made itself. Two reigns earlier, Theudisclus had been murdered at a banquet in Seville. His successor Agila, having attacked Córdoba and desecrated the shrine of the martyr Acisclus, lost a battle, his son, and his treasury, and fell back on Mérida. A rival, Athanagild, rose against him — and here Isidore records the act that shaped the next seventy years of the kingdom's military history:

> *Hic cum jamdudum sumpta tyrannide, Agilanem regno privare conaretur, militum sibi auxilia ab imperatore Justiniano poposcerat, quos postea submovere a finibus regni molitus non potuit. Adversus quos hucusque conflictum est.*
> *He, having long since seized power and being intent on depriving Agila of the kingdom, had asked the emperor Justinian for auxiliary troops, whom afterwards, though he strove to, he could not remove from the borders of the kingdom. Against these there has been fighting ever since.*

Justinian sent a force — Jordanes puts it at two thousand men — under the aged patrician Liberius, which landed on the southern coast in 552. Athanagild won his civil war. The troops stayed. Out of a Gothic succession dispute there was created an imperial province, Spania, running along the south-eastern coast with its seat at Cartagena, which lasted seventy-two years.

Then Agila's own men killed him at Mérida and went over to Athanagild — and Isidore is precise about why, in a sentence that is the whole open problem of this kingdom in miniature: *videntes Gothi proprio se everti excidio, et magis metuentes ne Hispaniam milites Romani auxilii occasione invaderent* — the Goths, seeing themselves being destroyed by their own ruin, and fearing still more that the Roman soldiers might seize Hispania on the pretext of assistance. They ended their civil war because they had noticed what their civil war had let in. It was already too late.

So Leovigild in 569 inherited: a divided kingdom held jointly with his brother; an imperial enclave in the south-east that no Gothic king could dislodge; a Suevic kingdom in the north-west, Catholic since the 550s under Theodemir and the missionary bishop Martin of Dumio; Frankish pressure across the Pyrenees; mountain

peoples in the north who had never obeyed anyone; and a scatter of cities within his own territory that were not obeying him either.

Eighteen years

What he did about it is recorded, year by year, by a contemporary who had every reason to dislike him. John of Biclaro was a Goth from Lusitania, educated for years at Constantinople, and exiled by Leovigild to Barcelona for refusing to join the Arian church. He nonetheless wrote of Leovigild's first year:

> *provinciam Gothorum, quae iam pro rebellione diversorum fuerat diminuta, mirabiliter ad pristinos revocat terminos.*
> *He wonderfully recalled the province of the Goths — which had been diminished by the rebellion of various parties — to its former bounds.*

The campaigns then run almost annually. In 570 he ravaged the country round Baza and Málaga and beat off the imperial troops. In 571 he took Medina Sidonia by an insider's treachery and, in John's phrasing, *ad Gothorum revocat iura* — recalled it to the jurisdiction of the Goths. In 572 he stormed Córdoba by night and brought its territory *in Gothorum dominium*. In 573 he entered Sabaria and reduced the province *in suam dicionem*. In 574 he went into Cantabria, killed those who had usurped the province, took Amaya, seized their wealth and *provinciam in suam revocat dicionem*. In 575 he took the Aregenses mountains, capturing their lord Aspidius with his wife and children. In 577 he entered Orospeda:

> *Leovigildus rex Orospedam ingreditur, et civitates atque castella ejusdem provinciae occupat, et suam provinciam facit; et non multo post inibi rustici rebellantes a Gothis opprimuntur; et post haec integra a Gothis possidetur Orospeda.*
> *King Leovigild entered Orospeda, and seized the cities and forts of that province, and made it his own province; and not long after, rebelling rustics there were crushed by the Goths; and after that Orospeda was possessed by the Goths entire.*

Two things in that entry repay attention. The first is *rustici rebellantes*. Whoever they were — the scholarship has read them as bandits, as a survival of the fifth-century rural insurgencies of the Ebro, as simply peasants who preferred the arrangement they had — they were an armed rural population which had to be beaten separately after the fortified places had been taken, and John treats their suppression as the thing that finally completed the conquest of the district. The province was not held when its cities fell; it was held when the countryside was crushed.

The second is the grammar. Almost every entry uses a verb of *recovery* and a noun of *jurisdiction*: he recalls the province to its former bounds, recalls a city to the jurisdiction of the Goths, brings a district back under his authority. Leovigild is not described as conquering Hispania. He is described as repossessing what was already legally his. Whether he believed that is unrecoverable; what matters is that this was the register in which his own churchmen recorded it, and that it is the register of a landlord recovering rents rather than of an invader taking ground.

In 578, with the tyrants extinguished on every side, he did the thing that no barbarian king in the West had done: he founded a city.

> *Leovigildus rex, extinctis undique tyrannis et pervasoribus Hispaniae superatis, sortitus requiem propria cum plebe resedit, et civitatem in Celtiberia ex nomine filii condidit, quae Recopolis nuncupatur.*
> *King Leovigild, with tyrants everywhere extinguished and the invaders of Hispania overcome, having obtained rest, settled down with his own people, and founded a city in Celtiberia named after his son, which is called Reccopolis.*

Reccopolis has been excavated. It had walls, a palace complex, a church, a paved street and a mint. It is one of only a small handful of cities founded anywhere in western Europe between the fifth century and the eighth, and it was named for a son who would later abolish the confession his father had spent his reign defending.

In 579 the other son, Hermenegild, married a Frankish princess, was given Seville to govern, converted to Catholicism and rebelled. The war against him consumed four campaigning seasons, drew in the Sueves, the imperial garrisons and the Franks, and ended with Seville taken, Córdoba retaken, and Hermenegild captured at Córdoba and later killed at Tarragona. In the middle of it, in 581, Leovigild found time to occupy part of Vasconia and found a second city, Victoriacum — though it is worth registering that John does not name the Vascones in that entry at all, and a recent argument in the Spanish literature reads the operation as tied to Frankish marriage diplomacy rather than as a campaign of subjugation.

In 585 he ended the Suevic kingdom, which had stood in Gallaecia for a hundred and seventy-seven years. In 586 he died in his bed at Toledo.

That is the founding conquest of Visigothic Spain, and it happened between a hundred and fifty and a hundred and seventy years after the Goths were first given land, in the reign of the fifth king to rule from the peninsula, against a Suevic kingdom, an imperial province, a mountain confederacy, a set of rebel cities, an armed peasantry and his own son.

Isidore adds the cost, and adds it in the same passage as the praise, which is why he is worth reading closely even when he is being an advocate:

> *Exstitit autem et quibusdam suorum perniciosus, nam quoscunque nobilissimos ac potentissimos vidit, aut capite truncavit, aut, opibus ablatis, proscripsit, et proscriptos in exsilium misit. Fiscum quoque primus iste locupletavit, primusque aerarium de rapinis civium hostiumque manubiis auxit.*
> *He was moreover destructive to certain of his own people, for whomever he saw to be most noble and most powerful, he either beheaded, or, their wealth taken away, proscribed, and sent the proscribed into exile. He was also the first to enrich the treasury, and the first to increase the exchequer from the plunder of citizens and the spoils of enemies.*

The first to increase the exchequer from the plunder of citizens. The man who built the floor paid for it, in part, by killing and confiscating from his own aristocracy — and the kingdom's most loyal historian records the fact plainly, sixty years later, as an item in a balance sheet.

The instrument

What was the army that did this?

Isidore describes it, in the recapitulation appended to his history, in the only sustained account of Gothic fighting practice from inside the kingdom:

> *Porro in armorum artibus spectabiles satis sunt, et non solum hastis, sed et jaculis equitando confligunt. Nec equestri tantum praelio, sed et pedestri incedunt. Verumtamen magis equitum praepeti cursu confidunt... Exercere enim se telis ac praeliis praeludere maxime diligunt. Ludorum certamina usu quotidiano gerunt. Hac sola tantum armorum experientia hucusque carebant, quod classica bella in mari gerere non studebant.*
> *Moreover in the arts of arms they are conspicuous enough, and they fight on horseback not only with spears but with javelins. Nor do they advance in cavalry battle only, but on foot as well. Yet they trust more in the headlong charge of horsemen... For they love above all to exercise themselves with weapons and to rehearse battles beforehand. They hold contests of games in daily practice. In this one experience of arms alone they had hitherto been lacking, that they did not care to wage naval war at sea.*

A cavalry-primary force with a competent infantry, drilled habitually, and with no fleet. The last clause is not decorative: Isidore's point in writing it is that Sisebut had

finally corrected the deficiency. Until the 610s a kingdom holding the whole coastline of the peninsula, facing an imperial province supplied entirely by sea, had no navy. What that cost is legible in the one recorded Gothic attempt at overseas war, the expedition against the imperial garrison at Ceuta under Theudis, which Isidore reports ended with the Gothic force pinned against the shore and annihilated to the last man — because, having stormed the walls, they laid down their arms on the Sunday rather than profane the sacred day, and the garrison came out.

Below the king the army was organised by province, under a *dux exercitus provinciae*, and beneath that on a decimal pattern inherited from late Roman practice — units of a thousand under a *thiufadus*, then five hundreds, hundreds and tens, with the *comes* of a city responsible for its levy. But the decisive fact about this instrument is not its command diagram. It is where the men came from.

There was no standing royal army distributed in garrisons across the peninsula. There was a royal following, there were city garrisons in some places, and there was, for anything larger, a summons. When the summons went out, what assembled was the followings of the great men — their armed retainers, their clients, and their slaves. The seventh-century military legislation makes this explicit in the act of trying to regulate it. King Erwig's law requires attendance from every rank named in the same breath: *dux*, *comes*, *gardingus*, Goth or Roman, freeman or freedman, and the fiscal slaves of the crown; and it requires each man summoned to bring with him a proportion of his own slaves, armed. The figure in Erwig's version is a tenth.

An army raised that way is not the king's. It is a temporary aggregation of other men's armed households, lent to him for a season.

And that is why the two longest laws in the Visigothic code are both about getting men to turn up. On 1 November 673, two months after crushing the great revolt that opened his reign, King Wamba promulgated the law titled *Quid debeat observari, si scandalum infra fines Spanie exsurrexerit* — what is to be observed if disturbance arises within the bounds of Spain. Its stated occasion is that when an enemy enters the provinces of the kingdom, those who dwell near the place disappear, so that there is no mutual support in the fighting. Its penalties fall on bishops, clergy and laymen alike, and reach exile, confiscation and the loss of the capacity to give evidence. Eight years later Erwig replaced it with a version of his own, softening its retrospective effect on those already condemned under it while keeping the obligation.

Two comprehensive conscription statutes, from two kings, in eight years, each among the longest enactments in the entire code, both aimed at compelling attendance at the muster and both threatening the highest ranks of church and state with ruin for absence. Whatever else that legislation is, it is a confession. A state that has to legislate

its army into existence, twice, and to name bishops among the deserters, is telling you exactly how much of its floor it actually commanded.

Who could not leave

The framework's question about the mechanics of capturability — what made the governed unable to disperse — gets an unusual answer here, and the unusualness is itself the finding.

The Hispano-Roman population was not disarmed by statute. No Visigothic law forbids the ordinary subject to own weapons; the tendency of the legislation runs the other way, since by the seventh century the state was trying to arm as many people as it could reach, including other men's slaves. There was no pass system, no register of movement, no political police. The kingdom's coercive apparatus, measured against what the framework usually finds in a thin-belief order sitting on a conquered majority, is startlingly light.

What held people in place was not the state. It was the estate. The great majority of the rural population were tied to land they did not own — *coloni* bound to their tenancies by late Roman fiscal legislation the Goths inherited and enforced, and slaves, of whom the Visigothic code assumes very large numbers on very large properties. The code's provisions on fugitives are extensive and severe, and they are written for the benefit of the landowner rather than of the crown. A man in seventh-century Hispania could not simply leave because leaving meant becoming a fugitive from a private lord whose neighbours would return him.

Set that beside the recorded exceptions and the picture sharpens. Where geography allowed people to be beyond an estate — in the northern mountains — they were beyond the kingdom too. Where an armed rural population existed in the interior, as at Orospeda, it had to be beaten in the field. The floor did not press evenly on the peninsula; it pressed hardest exactly where the villa economy was thickest, which is to say where somebody other than the king was already doing the holding.

Two holes that were never closed

An order's floor is best measured at its edges. This one had two edges it never reached, and both are documented by the kingdom's own admirers.

The first is the north. From Leovigild's Cantabrian campaign of 574 to the last decades of the kingdom, northern war is a near-permanent condition. Leovigild took Amaya and the Aregenses mountains and part of Vasconia. Reccared campaigned there. Gundemar, in a two-year reign around 610–612, devastated the Basques in one

expedition and besieged the imperial troops in another. Sisebut reduced the rebelling Astures by an army sent under his generals and overcame the Ruccones in their mountains. Suinthila campaigned against Basque raids on Tarraconensis at the very beginning of his reign. Wamba was in Cantabria fighting the Basques in 673 when the news reached him that his own general had rebelled in Gaul.

Six reigns, across a hundred years, in the same mountains. That is not a frontier being pushed; it is a frontier being visited.

Isidore, praising Reccared, says as much without appearing to notice:

> *Saepe etiam et lacertos contra Romanorum insolentias et irruptiones Vasconum movit. Unde non magis bella tractasse, quam potius gentem, quasi in palaestrae ludo, pro uso certaminis videtur exercuisse.*
> *Often too he moved his arms against the insolence of the Romans and the incursions of the Basques. Whence he seems not so much to have waged wars as rather to have exercised his people, as in a wrestling-school, for practice in fighting.*

The kingdom's chief apologist, in a passage designed as praise, describes a generation of northern campaigning as training. And when Suinthila did extract a submission, in 621, the terms Isidore reports show what such a submission was worth: the mountain people threw down their weapons, gave hostages, and *Ologitin civitatem Gothorum stipendiis suis et laboribus conderent* — built the Gothic city of Ologicus at their own expense and by their own labour. A fortress raised against a people, by that people, is the arrangement of a power that intends to watch a district it does not expect to govern.

There is a further detail from 673 that should not be smoothed over. When the *dux* Paul rebelled in Septimania, he recruited, among others, Basques. The unheld north was not merely a gap in the floor; it was a reservoir of armed men available to any Gothic magnate who wanted to fight the king.

The second hole was in the south-east, and it was made by the Gothic aristocracy's own succession practice. The imperial province of Spania, which Athanagild had let in and could not expel, lasted from 552 until Suinthila finished it around 624 — seventy-two years, most of the kingdom's Hispanic life to that point. It had a governor, a garrison, a fleet's worth of Mediterranean supply, an administrative language, and coins. And in the year after Reccared abandoned Arianism at Toledo, its governor cut into stone at Cartagena an inscription that is the single most useful object in this module, because it states, from outside, what the Gothic kingdom looked like to a power that did not recognise it:

> *Comenciolus sic haec iussit patricius / missus a Mauricio Aug(usto) contra hostes barbaros / magnus uirtute magister mil(itum) Spaniae / sic semper Hispania tali rectore laetetur.*
> *Thus did Comenciolus the patrician order these works, sent by Maurice Augustus against the barbarian enemies, great in valour, master of the soldiers of Spain. So may Hispania always rejoice in such a governor.*

The dating clause puts it in the eighth year of Maurice — between August 589 and August 590. Reccared had abjured Arianism at the Third Council of Toledo in May 589. Within months, on the peninsula, an imperial officer was repairing city gates against *hostes barbaros* and wishing Hispania joy of its Roman governor.

Only in 624, seventy-two years after the troops landed, was that finished. Isidore's line on Suinthila's achievement carries a weight it is easy to miss: *Totius Hispaniae infra Oceani fretum monarchia regni primus idem potitus, quod nulli retro principum est collatum* — he was the first to obtain the sole rule of all Hispania within the strait of the Ocean, which had been granted to none of the princes before him. The first. Two hundred and fifteen years after the barbarians crossed the Pyrenees, and eighty-seven years before the kingdom ended, a Gothic king held the whole peninsula for the first time.

The kingdom that fell in 711 had been territorially complete for less than a century.

Reading the floor against the framework

Four revisions come out of this module, and the first is the largest.

One: force does not always come first. The framework's sequence is a floor of organised violence, then a division of the wealth it secures, then a story laid over both to make the holding cheap. This case inverts the first two terms. The Goths received land, legal standing and a settled position in Aquitaine in 418 and in Hispania across the following century, and they were operating law courts, issuing codes and holding property under royal grant for six or seven generations before any Gothic king militarily controlled the territory those instruments described. Alaric II promulgated a comprehensive law code for his Roman subjects in 506; Leovigild subdued the peninsula between 569 and 585. The paperwork ran eighty years ahead of the sword.

The condition that permits the inversion is the one the landscape established: a conqueror who arrives by contract into a functioning administration inherits the settlement and the interpretive machinery before he possesses the ground, because the incumbent order hands them over as terms of employment rather than surrendering them as spoils. So the framework should carry the sequence as a default rather than a

law, with the exception named: **where the floor is acquired by sublet from the incumbent, settlement and law can precede military control, and the order will spend its middle life catching up to its own documents.**

Two: a summoned floor and a resident floor are different machines with different failure modes. The Visigothic kingdom had almost no standing garrison network across the interior. Its army was an aggregation, raised by summons, of the armed households of great landowners plus a proportion of their slaves. The framework already warns, in its account of co-optation, that a grant purchasing armed service leaves a rival with a retinue, and that where a conqueror leaves his grantees armed the analyst should expect the medieval failure mode and date the first revolt. Here the entire military capacity of the state sat permanently in that condition, and it never left it. The consequence to carry forward is not merely that revolts happened; it is that **the same instrument that defended the kingdom was owned in fragments by the men most likely to fight over it, so that every mobilisation was also an assembly of the king's potential rivals with their followings in the field.**

Three: conscription law is the tell of an unfinished floor, as surveillance is the tell of a belief that never took. Two of the longest laws in the Visigothic code, issued eight years apart by successive kings, exist solely to compel attendance at the muster, and they name bishops and dukes among the absentees. That is a diagnostic worth generalising. Where a state must legislate its own army into being, repeatedly, and must threaten its highest orders with confiscation and infamy to raise it, the floor is not being maintained — it is being begged for. The instrument to look for in any case is a compulsory-service statute aimed upward at the elite rather than downward at the peasantry, and its date is a date on the order's decline curve.

Four: the holes in this floor were cut by the elite, not by the ruled. The imperial province in the south-east was not won by imperial arms in a war of conquest; it was invited in by a Gothic pretender to win a succession dispute, and it took seventy-two years and the Persian conquest of the eastern empire's own heartlands before it could be removed. The unheld north was not a frontier the state was steadily advancing; it was, on the apologist's own account, a training ground, and by 673 it was a recruiting ground for a Gothic rebel. Both holes are consequences of the open problem at the top rather than of any pressure from below. That is a finding to hold on to, because the temptation at the other end of this study will be to explain a sudden collapse by some new weakness, when the weakness was in the floor from the beginning and had been put there by the same people who kept fighting each other for the right to stand on it.

A note on sources. All quotations are given exactly from public-domain primary texts. Isidore of Seville's *Historia de regibus Gothorum, Vandalorum et Suevorum* is

quoted in the Latin of the Migne-based text, whose orthography differs from Rodríguez Alonso's critical edition; chapter numbers follow that text (Leovigild at 49–51, Athanagild at 46–47, Theudis and Ceuta at 41–42, Reccared at 54, Suinthila at 62–63, the description of Gothic arms at 69–70, Euric's written law at 35). Isidore is an advocate, not a witness: the *Historia* is a work of legitimation composed for the dynasty it praises, which makes its concessions — the narrow bounds before Leovigild, the plunder of citizens, the Basque wars as exercise — worth more than its praise, since each is a fact the author had every reason to omit. Two recensions of the *Historia* exist, a shorter and a longer, and they differ; the passages used here are in the common material. John of Biclaro's *Chronicon* is quoted in the same older Latin text; the modern critical edition is Cardelle de Hartmann's, with historical commentary by Roger Collins, and its annalistic numbering (a.571.3, a.573.5, a.574.2 and so on) is cited in the scholarship where the older editions give no chapter divisions. John was a Goth, educated at Constantinople, exiled to Barcelona by the king he chronicles, and his chronicle is nonetheless favourable to Leovigild — a bias in the opposite direction from what his biography would predict, and worth noting. The Cartagena inscription of the patrician Comenciolus is quoted from the standard epigraphic text, dated by its own final line to the eighth year of Maurice and the eighth indiction, that is between August 589 and August 590. Wamba's military law is cited by its rubric, *Quid debeat observari, si scandalum infra fines Spanie exsurrexerit*, dated 1 November 673; its provisions and those of Erwig's replacement of 681 are summarised rather than quoted, since the Latin is in Zeumer's *MGH* edition of the *Liber Iudiciorum*, which I have not had before me in full, and a doubtful line is dropped rather than guessed. Julian of Toledo's *Historia Wambae Regis* is used for the sequence of the 673 revolt and for Wamba's presence in Cantabria when the news arrived; it is a bishop's panegyric written within about eight years of the events and should be read as such.

Modern scholarship paraphrased and credited: Roger Collins on Visigothic Spain and on the chronicle tradition; E. A. Thompson on the Goths in Spain; the current excavation literature on Reccopolis; Iker Basterrika's recent argument in *Hispania* that the occupation of Vasconia in 580–581 was tied to Frankish marriage diplomacy rather than being a straightforward campaign of subjugation, which is registered here as a live objection to the traditional reading, not as settled. Contested figures given as ranges: the size of Liberius's force, put at two thousand by Jordanes and treated in the modern literature as plausibly three to five thousand for the province's later garrison; the duration of the imperial province, 552 to 624, roughly seventy-two years; the proportion of slaves required at the muster, one in ten under Erwig's law, with the relationship between Wamba's law and Erwig's disputed — long read as an outright

repeal, and argued in recent French scholarship not to be one. The date of Victoriacum's foundation is given by John of Biclaro under Leovigild's thirteenth year, which is rendered as 580 or 581 depending on the reckoning used.

MODULE 2

Nothing Lost to the Treasury

The settlement — who got what, on what terms, and how far down the transfer reached

Two parts and a third

The division survives as law, in a statute the Visigothic code still carried two hundred years after the event it describes:

> *De divisione terrarum facta inter Gotum atque Romanum. Divisio inter Gotum et Romanum facta de portione terrarum sive silvarum nulla ratione turbetur, si tamen probatur celebrata divisio, nec de duabus partibus Goti aliquid sibi Romanus praesumat aut vindicet, aut de tertia Romani Gotus sibi aliquid audeat usurpare aut vindicare, nisi quod a nostra forsitan ei fuerit largitate donatum. Sed quod a parentibus vel a vicinis divisum est, posteritas immutare non temtet.*
>
> *On the division of lands made between Goth and Roman. Let the division made between Goth and Roman concerning a portion of lands or of woods be disturbed on no account, provided the division is proved to have been carried out; and let the Roman presume or claim nothing for himself out of the Goth's two parts, nor let the Goth dare to usurp or claim anything for himself out of the Roman's third, except what may perhaps have been given him by our bounty. But what has been divided by fathers or by neighbours, let posterity not attempt to alter.*

Two parts to the Goth, one to the Roman. The Gothic share is called in the sources the *sors* or *sortes Gothicae* — the lot — and the Roman residue the *tertia Romanorum*, the Roman third. The vocabulary is the vocabulary of drawing lots, and it is the same word the fifth-century chroniclers use of the Vandals and Sueves dividing the provinces among themselves in 411.

Two features of this law are worth registering before anything else about it is argued over.

The first is that it is not the record of a transfer. It is the record of a *bar on reopening* one. Nothing in it establishes the division, sets a date for it, names an authority that carried it out, or explains how it was done. It presupposes a division already completed at some unstated time by unstated persons, and its entire operative content is that nobody may now go behind it. Its final clause is addressed to grandchildren: what your fathers and your neighbours divided, do not attempt to alter.

The second follows from the first. The law survives as an *antiqua* — one of the anonymous old laws in Recceswinth's code of 654, inherited from Leovigild's revision of the 570s and behind that, in all probability, from Euric's code of the 470s. Its own draftsmen did not know, or did not say, when the division it protects had happened. The best-preserved fragment of Euric's code closes the door explicitly:

> *Sortes Gothicas et tertiam Romanorum quae intra L annis non fuerint revocate nullo modo repetantur... Antiquos vero terminos sic stare iubemus sicut et bonae memoriae pater noster in alia lege praecepit.*
> *Gothic lots and the Roman third which have not been reclaimed within fifty years are by no means to be sued for... And we order the ancient boundaries to stand just as our father of good memory laid down in another law.*

A fifty-year statute of limitations on the founding transfer, and an order that the old boundaries stand — with the further note that a previous king had already legislated on the same point. Whatever the division was, by the 470s it had been running long enough to need a prescription period, and long enough that the boundary markers were already being called ancient.

What the law was protecting

There is a second law, also an *antiqua*, and it is the more revealing of the two because it shows the state intervening on the losing side.

> *Iudices singularum civitatum, vilici adque prepositi tertias Romanorum ab illis qui occupatas tenent, auferant et Romanis sua exactione sine aliqua dilatione restituant, ut nihil fisco debeat deperire; si tamen eos quinquaginta annorum numerus aut tempus non excluserit.*
> *Let the judges of the several cities, and the bailiffs and overseers, take away the Roman thirds from those who hold them occupied, and by their own enforcement restore them to the Romans without any delay, so that nothing be lost to the treasury — provided always that the count or lapse of fifty years does not bar them.*

Gothic settlers had been encroaching on the Roman thirds. The state ordered restitution, at its own officers' initiative, without delay. And the clause that states why is the one this module is named for: *ut nihil fisco debeat deperire*.

Not so that the Romans should have justice. So that the treasury should lose nothing.

That single subordinate clause is the most informative sentence in the whole settlement dossier, because it tells us what the arrangement was for. The Roman third carried a fiscal liability. If a Goth absorbed a Roman's third into his own holding, the land did not stop existing — but the obligation attached to it went dark, because the Gothic *sors* was assessed differently or not at all. The state's interest in defending the conquered's property was an interest in defending its own revenue register. Restore the Roman to his third, and the tax comes in again.

This is where the long scholarly quarrel about the settlement has to be laid out, because a study that pretended it was settled would be lying.

The traditional reading, which the laws support on their face, is that the barbarians received land: real estate, physically divided, two-thirds of an estate to the newcomer and one-third retained by the sitting proprietor, an arrangement extended out of the late Roman practice of *hospitalitas* under which troops were billeted on civilian households. The Burgundian code says so in almost so many words, and uses the technical term:

> *Licet eo tempore, quo populus noster mancipiorum tertiam et duas terrarum partes accepit, eiusmodi a nobis fuerit emissa praeceptio, ut quicumque agrum cum mancipiis seu parentum nostrorum sive nostra largitate perceperat, nec mancipiorum tertiam nec duas terrarum partes ex eo loco, in quo ei hospitalitas fuerat delegata, requireret.*
> *Although at the time when our people received the third of the slaves and the two parts of the lands, an instruction of this kind was issued by us, that whoever had received a field together with slaves either by our forebears' bounty or by our own should not demand the third of the slaves or the two parts of the lands from that place where hospitality had been assigned to him.*

Two-thirds of the land and a third of the slaves, in a law that names the assignment *hospitalitas*. On the face of the texts, the barbarians took a great deal of Gaul and Spain away from the people who owned it.

Against this, Walter Goffart argued in 1980 that what was actually assigned was not soil but tax revenue — that the *sortes* and *tertiae* were shares in the fiscal assessment of estates rather than physical parcels, so that the barbarian settler was given the state's claim on a property rather than the property itself, and the Roman proprietor kept his land and simply paid his taxes to a new recipient. The attraction of the thesis is that it explains the almost total absence of complaint. No Hispano-Roman writer records dispossession. Nothing in the fifth- or sixth-century Spanish record reads like the reaction of a landowning class that had just lost two-thirds of its estates. The counter-arguments, pressed by Herwig Wolfram, Wolfgang Liebeschuetz and others and

modified by Guy Halsall, are that the laws speak persistently of woods, boundaries, markers and undivided timber in terms that are hard to read as accounting entries, and that the mechanism Goffart reconstructs requires a functioning assessment bureaucracy that may not have survived to be used.

For the purposes of this study the quarrel does not need to be settled, and it would be dishonest to pretend it could be settled here. What matters is a point on which both readings converge, and which the fiscal clause makes explicit: **on either account, whatever the Goths received, they received it inside the Roman revenue system rather than instead of it.** If they took land, the land came with its assessment attached, and the state policed the boundary to protect the assessment. If they took shares of revenue, then the thing transferred simply *was* the assessment. Either way the settlement did not abolish the Roman fiscal machine; it inserted a new class of beneficiaries into it and then spent two centuries trying to keep the register accurate.

What the Romans kept

Set out plainly, the conquered kept a great deal.

They kept a third of the land, or the land subject to a third of its former burden, and they kept it under a title the king's own judges were instructed to defend against his own people. They kept their law: Alaric II's Breviary of 506 remained the operative civil law for the Roman population of the kingdom for nearly a century and a half. They kept their church entirely — its property, its courts, its councils, its bishops, its ability to assemble. They kept their cities and their municipal offices. They kept Latin, which was the only language the kingdom ever conducted business in. They kept, above all, their position at the top of their own society: the great Hispano-Roman proprietor with his villa, his slaves and his tenants remained exactly that, with a Gothic neighbour on part of what had been his ground.

They lost the state. There was no longer an emperor, no longer a career that led to the capital, no longer a senatorial cursus, and the highest offices in the new order — the *dux* of a province, the *comes* of a city — went initially to men with Gothic names. But the loss was staggered and partial, and by the seventh century the ceiling had gone: the rebel *dux* Paul, who had himself anointed king in 673, bore a name that suggests he was not a Goth at all.

It is worth putting two comparanda beside this, because the framework's usual worry is that any given arrangement will be read as inevitable when it was chosen.

The Burgundians, on their own code's testimony, took not only two-thirds of land but a third of the slaves — that is, a share of the labour force itself, which is a materially deeper cut than anything the Visigothic laws describe.

The Franks, in the same generation, took no shares at all. There is no Frankish settlement law, no *sortes*, no *tertia*, because Clovis and his successors did not divide estates with Gallo-Roman proprietors; they took over the imperial fisc — the enormous stock of land that had belonged to the Roman state — and distributed that. Two peoples in comparable positions, at the same time, on adjacent ground, solved the same problem in different ways. Neither outcome was dictated by anything about being a Germanic people arriving in a Roman province.

Who was not a party

Now the finding that governs the rest of this study.

Every text quoted above is a transaction between two proprietors. *Gotus* and *Romanus* in these laws are not populations; they are parties to a conveyance. The Goth who holds two parts is a man with an estate. The Roman who holds a third is a man with an estate. The judges, bailiffs and overseers who enforce restitution are enforcing between landholders.

Below them was the overwhelming majority of the population of Hispania, and the settlement did not touch it.

The rural workforce of the peninsula in the sixth century consisted of slaves, of *coloni* tied to tenancies by late Roman fiscal legislation the Goths inherited intact, and of free smallholders and dependants attached to great properties by various forms of clientage. The Visigothic code legislates for these people at enormous length — the provisions on fugitive slaves alone run to a whole title, and the penalties for harbouring one are severe — but it legislates about them, never with them. No law in the code gives a slave or a colonus a share of anything. No law records a change in their condition arising from the arrival of the Goths.

What changed for a man working a Baetican estate in, say, 480, was the name of the person to whom he owed his labour on some fraction of the ground he already worked, and possibly not even that. He was not consulted, not compensated, not dispossessed — because he had never possessed. The Burgundian law's third of the *mancipia* transferred human beings between owners without any suggestion that the transfer required their view of it.

This is why there is no Hispano-Roman resistance to the Gothic settlement in the record, and the absence has usually been explained the wrong way round. It is not principally that the settlement was gentle, or that the shares were fiscal rather than territorial, or that the Goths were few. It is that **the settlement operated at exactly one social stratum.** The people who lost something were a thin proprietorial class who lost a fraction and kept their law, their church and their standing; the people who

might have fought were not parties to it and had no stake in the outcome. A transfer confined to the top of a society generates neither gratitude nor grievance below it, because below it nothing has changed.

One provision does show the settlement reaching downward, and it is worth naming because it is the mechanism by which the arrangement armed itself. Euric's code gave legal recognition to the *buccellarius* — the armed retainer maintained by a great man, given arms and often land, free in principle to change patrons but obliged on leaving to return what he had been given. Rome had tried to suppress private military followings. The Gothic code wrote them into law. The men who fought for a magnate were thereby attached to him by a recognised legal bond rather than by public authority, and the consequence, which the previous module found sitting at the centre of the kingdom's military capacity, was that the state's army was assembled out of private households.

The barrier, and whose law it was

The one hard line between the two settled populations was marriage, and its history is the sharpest single illustration in this study of the difference between a fact and a legal fiction.

The prohibition was Roman. A constitution of Valentinian and Valens, usually dated to 370 or 373, forbade it in terms:

> *Nulli provincialium, cuiuscumque ordinis aut loci fuerit, cum barbara sit uxore coniugium, nec ulli gentilium provincialis femina copuletur. quod si quae inter provinciales atque gentiles adfinitates ex huiusmodi nuptiis extiterint, quod in his suspectum vel noxium detegitur, capitaliter expietur.*
> *Let no provincial, of whatever rank or place he be, have marriage with a barbarian wife, nor let any provincial woman be joined to any foreigner. And if any connections between provincials and foreigners should arise from marriages of this kind, whatever is detected in them as suspect or harmful shall be expiated capitally.*

That law was carried forward into Alaric II's Breviary in 506 — which is to say that the barrier between Goths and Romans in the Visigothic kingdom was maintained by a Gothic king republishing an imperial statute, in a code he issued for the benefit of his Roman subjects, on the authority of an empire that no longer existed in the West.

And it was a Gothic king who abolished it. The repeal survives in the code as an *antiqua*, from Leovigild's revision:

> *Ut tam Goto Romana, quam Romano Gotam matrimonio liceat sociari... Ob hoc meliori proposito salubriter censentes, prisce legis remota sententia, hac in perpetuum valitura lege sancimus ut tam Gotus Romanam, quam etiam Gotam Romanus si coniugem habere voluerit, premissa petitione dignissimam, facultas eis nubendi subiaceat.*
> *That it shall be lawful both for a Roman woman to be joined in marriage to a Goth and for a Gothic woman to a Roman... Wherefore, judging soundly with a better purpose, the sentence of the earlier law being removed, we ordain by this law, to hold good in perpetuity, that if a Goth should wish to have a Roman woman as wife, or likewise a Roman a Gothic woman, upon a most worthy petition being first made, the faculty of marrying shall be open to them.*

Prisce legis remota sententia — the sentence of the earlier law having been removed. The draftsman knew exactly what he was repealing, and it was not a Gothic custom. It was Valentinian's.

Three things follow, and the third is the important one.

First, the ban's practical reach is unknowable. Prohibitions are evidence that a thing was happening; a law of 370 aimed at frontier provincials, republished in 506, may have been a dead letter in much of Hispania for generations before it was formally lifted. There is a Gothic king with a Hispano-Roman name in the sixth century and a Hispano-Roman rebel with a royal pretension in the seventh, and the personal names in the charter and conciliar record blur steadily.

Second, the repeal is a decision, taken by a man solving a problem in front of him. Leovigild spent his reign consolidating a kingdom out of pieces held by other people, and he removed a legal obstacle to his own aristocracy merging with the proprietors of the country he was consolidating. Whether he intended a fusion or merely tidied an inconvenient statute is not recoverable; what is recoverable is that the barrier cost him something and he removed it, which is the same kind of evidence as his son licensing the other church.

Third, and this is the finding: **the ethnic categories in this settlement were legal artefacts, and the law is where they lived.** *Gotus* and *Romanus* were the names of two bundles of legal treatment — a share of land, a code, a rule about marriage — held by populations that were never sharply distinguishable on the ground and became less so with every decade. When the state found a category inconvenient it repealed it. When, seventy years later, it found the whole apparatus of dual law inconvenient, it repealed that too.

The settlement closed

In 654 Recceswinth promulgated a single code for the whole kingdom and shut the door on the other one. Under the rubric *De remotis alienarum gentium legibus* — on the removal of the laws of foreign peoples — he permitted the study of foreign law for the useful knowledge to be had from it, rejected and forbade its use in the conduct of cases, and declared that since this code contained everything necessary for the fullness of justice, no one should henceforth be troubled *sive Romanis legibus seu alienis institutionibus* — either with Roman laws or with the institutions of foreigners.

That ends the Breviary. After a hundred and forty-eight years, the Roman population of Hispania ceased to be judged by Roman law, and the legal distinction on which the settlement had rested was abolished — not by extending Roman law to the Goths, and not by extending Gothic law to the Romans, but by declaring both superseded by a territorial code that in fact drew most of its substance from Roman jurisprudence.

And here is the detail that shows what such an abolition does and does not do. The code that abolished the distinction still contained, in its tenth book, the *antiqua* about the Goth's two parts and the Roman's third — and it still contains it in Erwig's revision of 681. The categories were dissolved as jurisdictions and retained as property titles. A man could no longer be tried as a Goth or as a Roman, but the ground under his house was still, in law, either a *sors* or a *tertia*, and the boundary between them was still the one his great-great-grandfather's neighbours had walked.

That is what a settlement looks like when it has finished becoming furniture. Nobody can any longer be sued over it, nobody is judged by a law that names it, and it is still, quietly, the reason the field ends where it ends.

Reading the settlement against the framework

Four refinements come out of this module.

One: measure a settlement by how many strata deep it goes, and expect the shallow ones to be both cheap and disposable. The framework asks who got what, and treats the answer as the material core the story is later built to protect. This case forces a supplementary question: *how far down did the transfer reach?* Here it reached exactly one layer. A thin proprietorial class ceded a fraction and kept its law, its church and its standing; the labouring majority — the great bulk of the population of the peninsula — was not a party, gained nothing, lost nothing, and was not consulted.

Two consequences follow, and they run in opposite directions. Such a settlement is extraordinarily cheap to install, because the only people with a grievance are the only

people with something left to lose, and they have been left enough to prefer arrangement to resistance. But it is also extraordinarily cheap to *replace*, because the population that does the work has no stake in it either. The absence of Hispano-Roman resistance to the Gothic settlement is usually offered as evidence of how well the settlement worked. It is better read as evidence of how little of the society it engaged — and any study reaching for an explanation of a sudden collapse should have this fact in hand before it starts looking for new weaknesses.

Two: the barrier between conqueror and conquered may be the conquered's own law, maintained by the conqueror and repealed when it becomes inconvenient. The intermarriage ban in the Visigothic kingdom was an imperial constitution of the 370s, preserved by a Gothic king in the Roman code he issued in 506, and struck out by a Gothic king in the 570s with an express formula of repeal. This is worth generalising: where an incoming order inherits the incumbent's legal apparatus, some of what looks like the conqueror's segregation will turn out to be the incumbent's, carried forward because it was already on the books and cost nothing to keep. The instrument for testing this is the repeal clause — find the law that abolishes the barrier and read what it says it is abolishing.

Three: a founding transfer that legislates its own prescription period is an order scheduling the date on which its origin stops mattering. Euric's fifty-year rule, and the order that the ancient boundaries stand as a previous king had already directed, are a conquest writing its own statute of limitations. That is a distinct and datable instrument, and it should be looked for in every case: **the moment at which the founding distribution becomes unchallengeable at law is the moment the order formally declares its own beginning to be closed.** It is the legal counterpart of the process by which, given enough generations, the beginning becomes furniture — except that here the timetable is written down, in years, by the men who benefited.

Four: where the floor was sublet, the fiscal machine is the thing the settlement is actually organised around. The previous module found that this order acquired its founding force by contract from the incumbent rather than by defeating it. The settlement shows the same provenance in the property arrangements. The state's stated reason for defending the conquered's residual share against its own people is *ut nihil fisco debeat deperire* — so that nothing be lost to the treasury. Whatever the *sortes* and *tertiae* physically were, and the scholarship has not settled it, they were units in an inherited Roman revenue register that the new order needed to keep legible. The general form: **an order that took over rather than destroyed its predecessor will protect its subjects' property in proportion to that property's assessability, and the clause naming the reason will be fiscal rather than moral.** Where a settlement

law explains itself by reference to the treasury, the analyst is looking at continuity, not conquest.

A note on sources. All quotations are given exactly from public-domain primary texts. *Liber Iudiciorum* X.1.8 (*De divisione terrarum facta inter Gotum atque Romanum*) and X.1.16 are quoted from the Latin as reproduced in the Spanish legal-historical literature; minor orthographic variants occur between witnesses (*praesumat / presumat*, *vindicare / vendicare*, *si tamen / si tomen* in one printing), and the standard critical text is Karl Zeumer's *Leges Visigothorum*, MGH Leges nationum Germanicarum I.1 (1902). Both laws are *antiquae*, that is anonymous inherited laws, generally traced through Leovigild's lost *Codex revisus* to Euric's code; the attribution of particular *antiquae* to Euric as against earlier "Theodorician" law or later revision is contested, and Alvaro d'Ors's identification of X.1.16 as pre-Euric with a later interpolation is one position among several. *Codex Euricianus* 277 is quoted from the same literature; the code survives only as a palimpsest, Paris Lat. 12161, in which roughly chapters 276 to 336 are legible with lacunae, and its chapter divisions and headings are the reconstruction of its modern editor. *Liber Iudiciorum* III.1.1 is quoted from the text as printed by Zeumer and reproduced in the Spanish literature; the variants *voluerit / valuerit* and *nubendi / nobendi* appear between printings, and I have given the Zeumer forms. *Codex Theodosianus* 3.14.1 is quoted from the standard Latin text; it is dated by consular year to 370 or 373 and its inclusion in the Breviary of Alaric is the reason it was still operative in sixth-century Spain. *Lex Burgundionum* 54.1 is quoted from the standard Latin text. Recceswinth's law on foreign laws, *Liber Iudiciorum* II.1.8 in Zeumer's numbering and II.1.10 in some manuscripts, is given here by its rubric *De remotis alienarum gentium legibus* and by the verbatim phrase *sive Romanis legibus seu alienis institutionibus*; the remainder of its content is summarised rather than quoted, because I have not had the full Latin before me and a doubtful line is dropped, not guessed.

Modern scholarship paraphrased and credited: Walter Goffart, *Barbarians and Romans, A.D. 418–584: The Techniques of Accommodation* (1980), for the argument that the shares were fiscal rather than territorial; Herwig Wolfram and J. H. W. G. Liebeschuetz for the principal objections, and Guy Halsall for a mediating position; Roger Collins and E. A. Thompson on the Visigothic settlement generally; the standard treatments of *hospitalitas* for the late Roman billeting precedent. The characterisation sometimes met with, that Recceswinth's code turned *Romani* and *Gothi* into *Hispani*, is a modern historiographical formula and not a phrase of the code, and is not used here. Contested points given as such: whether a physical division of estates took place in Hispania at all, as distinct from Aquitaine, is disputed, and the

laws quoted may in part describe a Gallic arrangement carried into a Spanish code; the date of the original division is not given by any source; the relationship of the *antiquae* to Euric's original text is reconstructed rather than attested.

MODULE 3

Snatched Her and Loved Her

The robe — the invention of Gothic majesty, the story that replaced it, and the price of a warrant the kings could not issue themselves

Before him, dress and seat were common

The most useful fact about the Visigothic royal style is that we can date its invention, because the man who invented it was remembered for having done so, and the men who recorded it were not paying a compliment.

Isidore, listing what Leovigild had been first to do — first to enrich the treasury, first to increase the exchequer out of the plunder of citizens — adds a third first in the same sentence:

> *Primusque etiam inter suos regali veste opertus in solio resedit. Nam ante eum, et habitus et consessus communis ut populo ita et regibus erat.*
> *He was also the first among his own people to sit on a throne clothed in royal dress. For before him, both the manner of dress and the manner of sitting were common to the people as to the kings.*

Before 569, a Gothic king dressed like the men around him and sat where they sat. After Leovigild there was a robe, a throne, and a distance.

The rest of the apparatus arrives in the same reign and can be dated as narrowly. From about 580 the kingdom's gold ceased to imitate imperial issues and began to carry the king's own name — the pseudo-imperial series, in which barbarian mints had copied the legends of emperors who no longer existed in the West, gives way under Leovigild to a royal coinage naming a Gothic king in his own right, which then runs unbroken to the end of the kingdom. In 578 he founded Reccopolis and named it for his son, a thing no western ruler had done since the empire, and gave it walls, a palace, a church and a mint. In 580 he convened a synod of his own church's bishops at Toledo and legislated on the terms by which Catholics might be received into it without rebaptism — an Arian king holding a council in the Roman manner, on the Roman model, to make his confession easier to join.

Every item is an expenditure and every item is a decision. A man who wanted only to command an army did not need any of them.

What he was doing is legible from what he was up against. Leovigild spent his reign recovering a peninsula held in pieces by other powers, and he did it against a Suevic kingdom, an imperial province with a real emperor behind it, and finally his own son, who had converted to the Catholic confession, married a Frankish princess and taken Seville. Against a rebel with a Catholic wife, a Frankish alliance and the local bishops, a king needs to look like something more than the first among his war-band. The throne, the robe, the coin and the city are answers to that problem.

And they were Roman answers. That is the point most easily missed. The materials Leovigild reached for to make himself distinct from his Goths were the materials of the order the Goths had inherited — imperial ceremonial dress, an imperial style of coin, a city named on the Constantinopolitan pattern, a synod in Roman legal form. The invention of Gothic majesty was carried out almost entirely with borrowed Roman furniture.

The story, and who is inside it

Two generations later the kingdom acquired its story, and it was not a story about Goths.

Isidore of Seville opened his history of the Gothic kings not with the Goths but with a hymn to the country:

> *Omnium terrarum, quaeque sunt ab occiduo usque ad Indos, pulcherrima es, o sacra, semperque felix principum, gentiumque mater Hispania. Jure tu nunc omnium regina provinciarum, a qua non Occasus tantum, sed etiam Oriens lumina mutuat.*
> *Of all the lands that are from the west to the Indies, you are the fairest, O sacred Hispania, ever-blessed mother of princes and of peoples. Rightly are you now the queen of all provinces, from whom not only the West but the East borrows its light.*

It runs on for four paragraphs in that register — the olives, the vines, the rivers, the horses, the purple dye, the stone that catches the sun in the dark of the mountains — and then it arrives at the sentence that this module is named for:

> *Jure itaque te jam pridem aurea Roma caput gentium concupivit, et licet te sibimet eadem Romulea virtus primum victrix spoponderit, denuo tamen Gothorum florentissima gens post multiplices in orbe victorias certatim rapuit et amavit, fruiturque hactenus inter regias infulas et opes largas, imperii felicitate secura.*

> *Rightly therefore did golden Rome, head of the nations, long ago desire you; and although that same Romulean valour, victorious, first pledged you to herself, nonetheless the most flourishing people of the Goths afterwards, following their many victories across the world, eagerly snatched you and loved you, and enjoys you to this day amid royal diadems and abundant wealth, secure in the good fortune of empire.*

Rapuit et amavit. Snatched her and loved her.

This is worth reading slowly, because it is doing something more interesting than propaganda usually does. It does not deny the conquest. It does not claim the Goths were invited, or that they came peacefully, or that Hispania consented. The verb is the verb of abduction, and it is chosen. What the sentence does instead is put the conquest inside a form — the form of an unwelcome suitor who becomes a husband — in which seizure and love are not alternatives but a sequence.

And notice who is at the centre of the sentence. It is not the Goths. It is Hispania, addressed in the second person, sacred, a mother of princes, desired by Rome and taken by the Goths, and doing very well out of the arrangement. The Goths are the grammatical subject of the verbs but they are not the subject of the passage. The country is.

Isidore also wrote the Gothic version — an appended *recapitulatio in laude Gothorum* which traces the people to Magog son of Japheth, identifies them with the Getae, observes that Alexander declared them to be avoided, Pyrrhus feared them and Caesar shuddered at them, and states flatly that no people on earth ever wore down the Roman empire as these did. Its climax is a reversal:

> *Quibus tanta exstitit magnitudo bellorum, et tam extollens gloriosae victoriae virtus, ut Roma ipsa victrix omnium populorum, subacta captivitatis jugo, Geticis triumphis accederet, et domina cunctarum gentium illis ut famula deserviret.*
> *So great was the magnitude of their wars, and so exalting the valour of their glorious victory, that Rome herself, victress of all peoples, subdued beneath the yoke of captivity, walked in Gothic triumphs, and the mistress of all nations served them as a handmaid.*

So the material is all there — the ancient pedigree, the terror of the great captains, the humbling of Rome. But it is the *appendix*. The frame is Hispania and the Gothic pedigree is furniture inside it. A story that opened by addressing the Goths and closed with a note on the country would be a different document with a different audience.

That inversion is the single most important thing in this module, and it is datable. Under Leovigild the legitimating apparatus was cut for the Goths: a Gothic king made visibly royal to his own aristocracy, defending a Gothic confession, holding a Gothic synod. Under Isidore, writing in the 620s for a kingdom that had been Catholic for a generation, it is cut for Hispania — for a landowning and episcopal class that was overwhelmingly of Hispano-Roman descent, in a Latin whose classical allusions only that class could hear. The Gothic content was not thrown away. It was subordinated to a frame the conquered could stand inside.

What the story demanded

A story of this kind is not decoration; it issues obligations, and in 633 the obligations were written down.

The Fourth Council of Toledo met in the church of the martyr Leocadia on 5 December 633, sixty-six bishops of the provinces of Spain and Gaul, convened by King Sisenand, and presided over by Isidore, who subscribed the acts first and in the formula of a man who had made them — *haec constituens*, having established these things. Its seventy-fifth canon is the constitutional settlement of the Visigothic kingdom, and it is worth quoting at the length its argument needs.

It begins with a prohibition:

> *Nullus apud nos praesumptione regnum arripiat, nullus excitet mutuas seditiones civium, nemo meditetur interitus regum. Sed defuncto in pace principe, primatus gentis cum sacerdotibus successorem regni consilio communi constituant. Ut dum unitatis concordia a nobis retinetur, nullum patriae gentisque discidium per vim ambitionis moveatur.*
> *Let no one among us seize the kingdom by presumption, let no one stir up mutual seditions of the citizens, let no one contemplate the deaths of kings. But when the prince has died in peace, let the leading men of the people together with the priests appoint a successor to the kingdom by common counsel — so that while the concord of unity is preserved among us, no division of the fatherland and people may be set in motion by the force of ambition.*

Then a sanction:

> *Quicumque igitur a nobis vel totius Spaniae populis qualibet coniuratione vel studio, sacramentum fidei suae quod patriae gentisque Gothorum statu, vel conservatione regiae salutis pollicitus est temeraverit, aut regem nece attrectaverit, aut potestate regni exuerit, aut praesumptione tyrannica regni fastigium*

usurpaverit, anathema sit in conspectu dei patris et angelorum... et ab omni coetu christianorum alienus cum omnibus impietatis suae sociis.
Whoever therefore among us, or among the peoples of all Spain, shall by any conspiracy or design violate the oath of his fidelity which he pledged for the standing of the fatherland and of the people of the Goths, or for the preservation of the king's safety; or shall lay hands on the king to kill him, or strip him of the power of the kingdom, or by tyrannical presumption usurp the summit of the kingdom — let him be anathema in the sight of God the Father and of the angels... and cut off from every assembly of Christians, together with all the associates of his impiety.

They then say it again, in almost the same words, prefacing the repetition with *quod iterum secundo replicamus dicentes* — which we again repeat a second time, saying. And then a third time, *hoc etiam tertio adclamamus dicentes*, this also we acclaim a third time, saying — after which the clergy and people close the session with an acclamation of their own, that whoever presumes against this definition shall be *anathema maranatha*, that is, destruction at the coming of the Lord, and shall have his portion with Judas Iscariot. The bishops evidently did not think once was enough, and did not think twice was either.

And then, having bound the aristocracy, they turn and bind the king:

Sane de futuris regibus hanc sententiam promulgamus: Ut si quis ex eis contra reverentiam legum superba dominatione et fastigio in flagitiis et facinore sive cupiditate crudelissimam potestatem in populis exercuerit, anathematis sententia a Christo domino condempnetur, et habeat a deo separationem atque iudicium, propter quod presumpserit prava agere, et in pernitiem regnum convertere.
Concerning future kings we promulgate this sentence: that if any of them, against the reverence due to the laws, in proud domination and arrogance, in outrages and crime or in greed, shall exercise a most cruel power over the peoples, let him be condemned by sentence of anathema from Christ the Lord, and let him have separation and judgement from God, because he has presumed to do wrong and to turn the kingdom to ruin.

The same canon, in the same session, anathematises the man who deposes a king and the king who rules badly. That is not incoherence; it is a price. The bishops were being asked to underwrite the throne with the most powerful sanction they possessed, and they wrote their own clause into the contract.

The mechanism the canon establishes should also be read for what it does not say. There is no hereditary right. The successor is to be appointed *primatus gentis cum sacerdotibus... consilio communi* — by the leading men of the people together with the

priests, in common counsel. Election, and election by an assembly in which bishops sit as of right. Whatever else the Visigothic monarchy was after 633, it was a monarchy whose title came from a body it did not control.

The price of the warrant

What that cost is visible in gold.

Between 1858 and 1861, in an orchard called Guarrazar near Guadamur outside Toledo, a hoard was dug up which remains the finest surviving group of early medieval votive offerings in Europe: gold crowns, gold crosses, sapphires that came from Sri Lanka, pearls, rock crystal, hanging chains. The largest surviving piece is a double band of gold hung on four chains, from the lower rim of which depend gold letters, each on its own chain, each with a jewel beneath it, spelling:

> *RECCESVINTHVS REX OFFERET*
> *King Recceswinth offers this.*

A second crown carried SVINTILA REX OFFERET; it was stolen in 1921 and has never been recovered.

These crowns were not worn. They could not be worn — they hang from chains and their diameters and construction are wrong for a head. They were made to be suspended above an altar, and the kings whose names they carry made them in order to give them away.

Stand that beside what the previous modules found. This is a monarchy whose founding force was acquired by contract from an authority that ceased to exist, which therefore held the ground and no title to it; which spent the sixth century inventing a royal style out of borrowed imperial furniture; and which, by 633, had accepted that its kings were made by an assembly of magnates and bishops. A king in that position cannot issue his own warrant. He has to buy one, from the institution that has one to sell, in the currency that institution accepts.

A crown of gold, inscribed with the king's name and the verb *offeret*, hanging over somebody else's altar, is a receipt.

The same transaction is legible in the postures. The acts of the Fourth Council record what Sisenand did on entering the basilica: *primum coram sacerdotibus Dei humo prostratus cum lacrimis et gemitibus pro se interveniendum Deo postulavit* — first, prostrate on the ground before the priests of God, with tears and groans, he asked them to intercede with God on his behalf. A king face down on the floor of a church, in front of sixty-six bishops, before the session that will confirm his throne.

And in 672 the transaction acquired a liturgy. Julian of Toledo describes the accession of Wamba:

> *At ubi uentum est, quo sanctae unctionis uexillam susciperet, in praetoriensi ecclesia, sanctorum scilicet Petri et Pauli, regio iam cultu conspicuus ante altare diuinum consistens, ex more fidem populis reddidit. Deinde curbatis genibus oleum benedictionis per sacri Quirici pontificis manus uertici eius refunditur et benedictionis copia exibetur, ubi statim signum hoc salutis emicuit. Nam mox e uertici ipso, ubi oleum ipsum perfusum fuerat, euaporatio quaedam fumo similis in modum columnae sese erexit in capite, et e loco ipso capitis apis uisa est prosilisse, quod utique signum cuiusdam felicitatis sequuturae speciem portenderet.*
>
> *But when the moment came at which he should receive the standard of holy unction, in the praetorian church — that is, of Saints Peter and Paul — already conspicuous in royal attire, standing before the divine altar, he rendered the faith to the peoples according to custom. Then, on bended knees, the oil of blessing was poured over the crown of his head by the hands of the holy bishop Quiricus, and the fullness of blessing was bestowed; whereupon at once this sign of salvation shone forth. For immediately from that very crown of the head, where the oil had been poured, a certain vapour like smoke raised itself upon his head in the manner of a column, and from that same place on his head a bee was seen to spring forth — which surely portended the appearance of some coming happiness.*

Every element of that scene is doing work. He is already in royal dress when he arrives, so the robe is not what makes him king. He professes the faith to the people first, so the kingship is conditional on the confession. Then he kneels, and a bishop pours oil on him, and a miracle is reported — the column of vapour, and the bee.

This is the earliest securely attested royal anointing in the medieval West, and it is not a Frankish borrowing; the Franks would adopt unction eighty years later. It was performed here, at Toledo, by the metropolitan, in accordance with a canon of the Eighth Council of 653, on a king who had been elected.

The whole apparatus resolves into a single sentence, and the sentence is not flattering to either party: **the kings could not make themselves legitimate, and the bishops could.**

The tell

Nothing in this module demonstrates how a robe works better than what happened to Suinthila, because both halves of it were written by the same man.

In the history he completed around 624, Isidore praised Suinthila as no Gothic king had been praised before. He was the first ever to hold the sole rule of all Hispania within the strait of the Ocean, *quod nulli retro principum est collatum* — which had been granted to none of the princes before him. He was so generous that his treasury became the ransom of captives. And Isidore ends:

> *Ita ut non solum princeps populorum, sed etiam pater pauperum vocari sit dignus.*
> *So that he is worthy to be called not only prince of peoples but also father of the poor.*

He goes further and blesses the succession, writing of Suinthila's son Reccimir, taken into partnership in the kingdom, that the ruler of heaven and of the human race is to be entreated that as he is now his father's colleague by paternal grant, so after a long reign he may be most worthy to succeed.

In 631 Suinthila was overthrown by Sisenand with Frankish help. In 633, at the council Isidore presided over and subscribed first, the same body that promulgated canon 75 disposed of him:

> *De Sumthilane vero qui scelera propria metuens seipsum regno privavit, et potestatis fascibus exuit, id cum gentis consultu decrevimus: Ut neque eum vel uxorem eius propter mala quae commiserunt, neque filios eorum unitati nostrae umquam consociemus.*
> *Concerning Suinthila, who, fearing his own crimes, deprived himself of the kingdom and stripped himself of the emblems of power, we have decreed this with the counsel of the people: that neither him nor his wife, on account of the evils they have committed, nor their sons, shall we ever admit to our communion.*

Nine years. Father of the poor to a man barred from communion for life along with his wife and the son whose long and worthy reign Isidore had prayed for.

The honest reading is not that Isidore was a hypocrite. It is that these were both things a bishop of Seville could say, at the times he said them, given what he could see and what stood in front of him. In 624 a king had completed the peninsula and Isidore wrote what a court historian writes. In 633 that king was gone, a new one had convened the bishops, and the council had to explain why the man who had been deposed deserved it — which required a formula, and the formula chosen was that he had deposed himself out of fear of his own crimes. A robe is not a lie told once. It is a garment that has to be taken in and let out as the body under it changes, and the alterations are usually done by the same tailor.

One further complication belongs on the page rather than in a footnote: Isidore's history survives in two recensions of differing length, and the relationship between them, including which passages stood in which version, is an unresolved question in the scholarship. The praise of Suinthila is in the transmitted text. What Isidore may have done to it afterwards is exactly the kind of thing this module is about, and exactly the kind of thing that cannot be asserted without evidence.

Reading the robe against the framework

Four things, and the first breaks a prediction.

One: this robe was cut for the conquered, not for the conquerors, and the re-cutting can be dated. The standing expectation for a small armed minority ruling a large subject population is that its legitimating story will be addressed to the people whose belief it actually needs — its own warriors, or a distant sending power that funds and mans the enterprise. There is no sending power here, and the story did not stay with the warriors. Under Leovigild the apparatus was Gothic and inward-facing: a throne and a robe to raise a king above his own aristocracy, a royal coinage, an Arian synod. Within two generations the frame had inverted. Isidore's *Historia* opens by addressing the country, in the second person, as a sacred mother; the Gothic pedigree of Magog and the Getae is retained but demoted to an appendix; the language is a Latin whose classical allusions only the Hispano-Roman episcopal and landowning class could hear.

The general form worth carrying: **a robe can change its addressee while keeping its material, and the tell is the object of address in the panegyric — whom the praise is aimed at, not whom it is about.** Where an order's legitimating literature shifts from praising the ruling people to praising the ruled country, the ruling group has concluded that it needs the conquered's belief more than its own.

Two: a conqueror with no transferable title buys one, and the purchase is visible as expenditure. The founding force here was subcontracted from an authority that dissolved, leaving the kings holding the ground with no warrant they could issue in their own name. What follows is a century and a half of buying. The instruments are datable and physical: royal ceremonial from about 569, royal coinage from about 580, an elective constitution underwritten by anathema in 633, votive crowns of gold inscribed *offeret* and hung above altars in the seventh century, and royal unction from 672. The diagnostic is simple and should be generalised: **where a ruler expends real resources on legitimation aimed at an institution he does not control, read the expenditure as the price of a warrant he cannot issue himself, and date the order's dependency from the first payment.**

Three: every warrant-granting institution acquires a warrant-revoking power, and the revocation clause is usually written into the granting document. Canon 75 is the clearest specimen this study will produce. In one session the bishops anathematised anyone who deposed a king, and anathematised any future king who ruled cruelly, and repeated the first anathema a second and a third time, with a closing acclamation from clergy and people. They were selling protection and reserving the right to withdraw it. The consequence arrived within fifty years: the church that anointed Wamba in 672 gave him the penitential tonsure in 680 while he was insensible, and the council of 681 confirmed that he could not resume the throne. **An order that buys legitimacy from an institution it does not own has also bought that institution's option to unmake it, and the option will be found in the text of the grant.**

Four: the same author, revising the same story within a decade, is the best available evidence that legitimating stories are neither lies nor sincerity. Isidore called Suinthila the father of the poor and prayed for his son's succession; nine years later he sat in the council that barred Suinthila's whole family from communion for ever, on the formula that he had deposed himself out of fear of his crimes. Both documents are what a man in his position could produce at the moment he produced them. Neither is a fabrication and neither is disinterested. The framework's proposition that a built thing becomes real without ceasing to be built is usually demonstrated across generations, where the builders are dead and the inheritors sincere. Here it can be demonstrated inside one working life, at a nine-year interval, in the hand of the kingdom's most careful writer — which is a stronger form of the evidence, and should be preferred wherever a case supplies it.

A note on sources. All quotations are given exactly from public-domain primary texts. Isidore of Seville's *Laus Spaniae* (prologue, sections 1 and 4), the *recapitulatio* in praise of the Goths (67), and the notices on Leovigild (51) and Suinthila (62–64) are quoted from the Migne-based Latin text, whose orthography differs from Rodríguez Alonso's critical edition. Isidore is the kingdom's laureate and should be read as such; the *Historia* survives in a shorter and a longer recension whose relationship and relative dates are disputed, and no claim is made here about which passages stood in which. The canons of the Fourth Council of Toledo are quoted from the Latin of the *Collectio Hispana*; the preamble's description of Sisenand prostrate before the bishops, canon 75's prohibition, its anathema, its repetition, its clause on future kings and its sentence on Suinthila are all from the acts of the same council, held from 5 December 633 in the basilica of Saint Leocadia, with sixty-six bishops of the Spanish and Gallic provinces. The manuscript readings vary at several points marked in the editions, and the

subscription list in the text consulted gives forty further bishops against the sixty-six named in the heading — a discrepancy that is in the source. Isidore's presidency is not stated in so many words but is established as firmly as such things can be by his subscribing first, and in the participial formula *haec constituens*. Julian of Toledo's account of Wamba's unction is quoted from the Latin of the *Historia Wambae regis*, chapter 4; Julian was writing within about eight years, as a partisan of the regime and later of the regime that displaced it, and the portent of the vapour and the bee is his report of a sign, not a datum. The inscriptions of the Guarrazar crowns are quoted as read from the objects; the Recceswinth crown is in the National Archaeological Museum in Madrid, the Suinthila crown was stolen in 1921 and is lost, and readings of the fuller dedicatory formula on the Recceswinth crown vary between publications, so only the securely attested letters are given here.

Modern scholarship paraphrased and credited: Roger Collins and E. A. Thompson on the Visigothic monarchy and the councils; Rachel Stocking on the councils of Toledo and on the rhetoric of political perjury in canon 75; the numismatic literature, and Grierson and Blackburn's *Medieval European Coinage*, for the transition from the pseudo-imperial series to royal coinage in the name of the king from about 580; Rose Walker and others on the probable Byzantine manufacture of the Recceswinth crown and the later addition of its inscription, which is contested and is registered here as such. Contested points given as such: the date of the shift in coinage is given as about 580 rather than to a year; the double recension of Isidore's *Historia*; the attribution of the anonymous Guarrazar crowns to particular kings.

MODULE 4

The Slippery Years

Formation — the apparatus the Goths found already running, the one they never built, and what it cost them to join it

What was already running

In 527, at Toledo, eight bishops met under Montanus and passed five canons. The first of them describes an institution:

> *De his, quos voluntas parentum a primis infantiae annis in clericatus officio vel monachi pariter statuimus observandum, ut mox, cum detonsi vel ministerio electorum contraditi fuerint, in domo ecclesiae sub episcopali praesentia a praeposito sibi debeant erudiri; at ubi octavum decimum aetatis suae compleverint annum, coram totius cleri plebisque conspectu voluntas eorum de expetendo coniugio ab episcopo suo perscrutetur.*
> *Concerning those whom the will of their parents has placed from the first years of infancy in the office of the clergy or of a monk, we equally decree it is to be observed that as soon as they have been tonsured or handed over to the ministry of readers, they ought to be educated in the house of the church, in the bishop's presence, by a superior set over them; and when they have completed their eighteenth year, in the sight of all the clergy and people their will concerning the seeking of marriage is to be examined by their bishop.*

A residential school, taking boys from infancy, run inside the bishop's household, with a master appointed over them and an examination at eighteen conducted in public.

That canon is worth dating carefully. It was passed in 527 or 531, in Toledo, in a kingdom whose king was Arian, roughly sixty years before the Gothic monarchy abandoned Arianism. The men who built and ran the machinery that would form the children of Visigothic Spain were the bishops of the conquered population, and they were running it under the conquerors, with the conquerors' permission, decades before the conquerors joined it.

A century later the same system is legislated in more detail. The Fourth Council of Toledo, in 633, under the rubric *De conversatione clericorum*:

> *Prona est omnis aetas ab adulescentia in malum, nihil enim incertius quam vita adulescentium; ob hoc constituendum oportuit, ut si qui in clero pueri aut adulescentes existunt, omnes in una conclavi atrii commorentur, ut lubricae aetatis annos non in luxuria sed in disciplinis ecclesiasticis agant, deputati probatissimo seniori quem et magistrum disciplinae et testem vitae habeant.*
> *Every age is prone to evil from adolescence, for nothing is less certain than the life of adolescents; on account of which it had to be laid down that if there are any boys or adolescents in the clergy, they should all dwell in one chamber of the atrium, so that they pass the years of the slippery age not in indulgence but in ecclesiastical disciplines, assigned to a most approved elder whom they shall have both as master of discipline and as witness of their life.*

Lubricae aetatis annos. The years of the slippery age. The bishops name the window — the years in which a person can still be made into something — and legislate to hold it: one room, one master, one regime, from tonsure to twenty-five.

And the school does not stand alone. The same council builds out the whole apparatus in the same sitting, canon by canon, and reading them together is the only way to see what it actually was.

It unified the liturgy: *unus igitur ordo orandi atque psallendi a nobis per omnem Spaniam atque Galliam conservetur, unus modus in missarum sollemnitatibus, unus in vespertinis officiis* — one order of praying and of psalmody to be kept by us throughout all Spain and Gaul, one manner in the solemnities of the masses, one in the evening offices — with the reason given plainly: *nec diversa sit ultra in nobis ecclesiastica consuetudo, qui una fide continemur et regno*, let there no longer be a different ecclesiastical custom among us, who are held together by one faith and one kingdom.

It unified the calendar, ordering the metropolitans to write to one another three months before Epiphany so that Easter should be announced on one day across the peninsula; and it defended that calendar against a rival, forbidding the *alleluia* at the January Kalends, *quae propter errorem gentilitatis aguntur* — which are kept on account of the error of heathenism.

It settled the rite of entry. Spain had been divided over whether the infant should be immersed once or three times, and the council resolved it by quoting Gregory the Great's letter to Leander of Seville, which had said that either was permissible — and then chose the single immersion for a reason that has nothing to do with theology: *sed hucusque ab hereticis infans in baptismate tertio mergebatur, fiendum apud vos esse non censeo, ne dum mersiones numerant, divinitatem dividant*, but since up to now the infant has been immersed three times by the heretics, I do not judge it should be done among you, lest while they count the immersions they divide the divinity. The first

thing done to a child in Visigothic Spain was made deliberately different from the way the Arians did it.

It marked the body: all clerics and readers were to be shorn on the whole upper head leaving only the circle of the crown, and not in the manner still used in Galicia, *ritus enim iste in Spaniis hucusque hereticorum fuit* — for that rite has hitherto in the Spains been the heretics'.

It required the teachers to know something: *ignorantia mater cunctorum errorum, maxime in sacerdotibus dei vitanda est, qui docendi officium in populis susceperunt* — ignorance, the mother of all errors, is most of all to be avoided in the priests of God, who have taken up the office of teaching among the peoples. Parish priests were to receive a service book on ordination so they would not blunder, and to render account to their bishop of how they were performing the office and baptising. Bishops were to go through every diocese and parish annually.

Put together: a system that takes children young, houses them, appoints a master of discipline over them, teaches them a single liturgy on a single calendar in a single language, marks their bodies, examines them in public at eighteen, and audits its own teachers annually across the whole peninsula. It was not designed as an instrument of rule. It was designed to make priests. But it was, in fact, the only machinery in Visigothic Spain that reached into childhood at scale — and its curriculum, in Isidore's generation, became the *Etymologiae*, which taught the Latin West for the next eight hundred years.

What the Goths brought, and what they did not

Against this, set what the Goths had.

They had a confession, held for two centuries, and they had a Bible in their own language — the work of Ulfila, who had made an alphabet for the purpose. They had bishops; there were enough of them in 589 to be transferred into Catholic sees. They had churches, and property, and a liturgy, and clergy who preached in Gothic.

What they do not appear to have had is a formation apparatus. There is no Arian conciliar legislation from Spain establishing schools. There are no Arian monasteries attested in the peninsula. There is no Gothic-language curriculum, no Arian equivalent of the canon of 527, no evidence of an institution that took Gothic children young and held them through the slippery years. This is an argument from silence and must be marked as one — the Catholic victors controlled what survived, and an Arian church's records would be exactly what got lost. But the silence is not only in the documents. It is in the outcome, and outcomes are harder to suppress than archives.

There is also a positive piece of evidence about what Leovigild thought he had, and it is the most revealing single act of his reign.

In 580 he convened a synod of his own bishops at Toledo. John of Biclaro records what it did:

> *Leovigildus rex in urbem Toletanam synodum episcoporum sectae Arianae congregat, et antiquam haeresim novello errore emendat, dicens de Romana religione ad nostram catholicam fidem venientes non debere baptizari, sed tantummodo per manus impositionem et communionis praeceptionem pollui, et gloriam Patri per Filium in Spiritu sancto dare. Per hanc ergo seductionem plurimi nostrorum cupiditate potius impulsi in Arianum dogma declinant.*
> *King Leovigild gathered a synod of bishops of the Arian sect in the city of Toledo, and amended the ancient heresy with a new error, saying that those coming from the Roman religion to our catholic faith ought not to be baptised, but only to be polluted by the laying on of hands and the receiving of communion, and to give glory to the Father through the Son in the Holy Spirit. Through this seduction, therefore, very many of ours, driven rather by greed, went over to the Arian dogma.*

Read the act rather than John's disgust. Leovigild abolished the requirement of rebaptism for Catholics entering his church. That is a reduction in the cost of adult conversion, and reducing the cost of adult conversion is what a man does when the only people he can reach are adults. He could not get at the children, because the institution that had the children was the one he was trying to empty. So he went at the grown men, and — on the hostile witness of a chronicler he had exiled — he got a good many of them, *cupiditate potius impulsi*, driven rather by greed.

A conversion bought with advancement is a transaction, not a formation. It lasts as long as the buyer does.

Eight years, and the same nobility

Leovigild died in April 586. His son Reccared, on Isidore's account, embraced the Catholic faith in the very beginning of his reign, and in May 589 seventy-two bishops met at Toledo, the king subscribed, the Arian bishops came over with their clergy and their churches, and the kingdom changed confession. It held. There were two Arian conspiracies against it and both failed, and within a generation Arianism in Spain was gone.

The seed's sharpest question is why the father failed and the son succeeded, eight years apart, with the same aristocracy in front of them. Answered in the terms of this

module, the two men were not attempting the same thing in opposite directions. They were attempting two different kinds of thing.

Leovigild was trying to move a large adult population out of the confession in which it had been formed and into one it had been taught to regard as heresy. Against that he had the state's coercive weight, gold, offices, the deposition of bishops, and a doctrinal easement that lowered the entry price. Every one of those is an instrument aimed at adult vigilance, and adult vigilance is the one thing that reliably resists — it is the part of the apparatus that works. The Hispano-Romans he was pressing had been formed as children by the bishops he was exiling, on a calendar he did not control, in a rite whose triple immersion was already the mark of their side. He could buy men. He could not unmake what had been laid down before they could refuse it. And every child born in Hispania during his eighteen-year reign went on being formed by the institution he was fighting, because there was no other institution to do it.

Reccared was doing the opposite operation. He was moving a small population — a few per cent, on the arithmetic of the landscape — into the apparatus that already held every child in the peninsula, including, in every practical sense, the Gothic ones. He did not have to persuade anybody's grandchildren. He had to persuade a nobility, once, that its interests lay inside the institution rather than outside it, and then hand over the machinery. The children would arrive on their own.

That is why one attempt needed eighteen years and failed, and the other needed a single council and stuck. It was not that Reccared was more pious or better at argument. It is that a confession is not a belief a population holds; it is an institution that holds a population's children, and the way you change a people's confession is to acquire or surrender that institution. Leovigild tried to persuade. Reccared performed a transfer.

What the transfer cost

The price is visible within three generations, and it was paid entirely by the Goths.

The Gothic language disappears. It leaves a stock of personal names — Reccared, Chindaswinth, Wamba — and a few dozen words, and nothing else: no Visigothic charter, law, canon, inscription or coin legend is in Gothic. The Gothic Bible was not copied in Spain. The Arian clergy went into Catholic sees and their successors were formed in the *domus ecclesiae* under a *magister disciplinae*, in Latin, on the Roman calendar, with a single immersion adopted specifically to be unlike what their grandfathers had done.

By Isidore's generation "Goth" survives in three places and no others. It is a legal category in the property law, where a *sors* is still distinguished from a *tertia*. It is a name

in the conciliar formula, where the bishops swear for *gentis Gothorum statu*, the standing of the people of the Goths. And it is a pedigree in the appendix to Isidore's history, where the Getae descend from Magog and Alexander declares them to be avoided. What it is not, anywhere after 589, is a formation. No child in Visigothic Spain was ever again raised as a Goth in any sense that would have been recognisable to Ulfila.

This is the finding the module exists to state, and it inverts the expected shape. The standing prediction for a conquering minority is that it will withhold formation from the conquered — because to form them would be to admit them — and that the older apparatus will therefore hold the field among the ruled. The first half is right here: the Goths never formed the Hispano-Romans, and could not have, having nothing to form them with. But the second half runs further than expected, because there is no such thing as an unformed person and the rule does not stop at the conquerors' door. The apparatus that held the field held it for everybody. Having built nothing of their own, the Goths handed their children to the institution of the people they ruled, and within a century there were no Goths — only Hispani with Gothic names and a legal title to two-thirds of a field.

Where the apparatus did not reach

It did not reach everywhere, and the places it missed are the control case.

Around 572, Martin, bishop of Braga in Gallaecia, wrote to a fellow bishop who had asked him for something that could be read aloud to the peasantry. Martin explains his method — *cibum rusticis rustico sermone condire*, to season the food for rustics in rustic speech — and then, in the middle of the sermon, catalogues what he is up against:

> *Nam ad petras et ad arbores et ad fontes et per trivia cereolos incendere, quid est aliud nisi cultura diaboli? Divinationes et auguria et dies idolorum observare, quid est aliud nisi cultura diaboli? Vulcanalia et Kalendas observare, mensas ornare, et lauros ponere, et pedem observare, et fundere in foco super truncum frugem et vinum, et panem in fontem mittere, quid est aliud nisi cultura diaboli? Mulieres in tela sua Minervam nominare et Veneris diem in nuptias observare et quo die in via exeatur adtendere, quid est aliud nisi cultura diaboli? Incantare herbas ad maleficia et invocare nomina daemonum incantando, quid est aliud nisi cultura diaboli?*
>
> *For to burn little candles at stones and at trees and at springs and where three roads meet — what else is it but the worship of the devil? To observe divinations and auguries and the days of idols — what else is it but the worship of the devil?*

> *To keep the Vulcanalia and the Kalends, to deck tables and set out laurels, to watch the foot, to pour grain and wine on the log in the hearth, to put bread into a spring — what else is it but the worship of the devil? For women to name Minerva at their weaving, and to observe Venus's day for marriages, and to pay heed to what day one sets out on a journey — what else is it but the worship of the devil? To chant over herbs for spells and to invoke the names of demons in chanting — what else is it but the worship of the devil?*

He adds, elsewhere, that the ignorant and the rustics fall into the error of supposing the Kalends of January to be the beginning of the year.

Everything in that catalogue is formation. It is a calendar — Vulcan's day, the Kalends, Venus's day, the auspicious day to travel. It is a cast of authorities to consult and a set of practices handed from mother to daughter at the loom. It is, in the framework's terms, an installed framework for reading the world, complete with its own sacred objects, its own experts and its own year. Nobody taught it in a school. It did not need a school; it was transmitted the way such things always are, in the household, to children, before anyone could refuse it. And it had been running in Gallaecia since long before Rome, under Rome, under the Sueves, and was still running, in a diocese with a bishop, in the 570s.

The peninsula's north kept its own arrangements more completely still, which is why two centuries of campaigning there produced nothing but campaigns. And at the other end of the kingdom, in 693, the bishops of the Sixteenth Council were still ordering their colleagues to collect and destroy the offerings that rustics were making to pagan gods — a hundred and twenty years after Martin, in the last decades of the kingdom.

The old formation held the field wherever the new one did not physically arrive. It always does. There is no unformed person; a child not formed by the institution is formed by the household, and a household is very hard to reach.

Taking the children

Which brings the module to the thing the Visigothic state did when it understood that, and to the clearest statement of the mechanism that this study will produce.

Around 613 King Sisebut ordered the Jews of the kingdom to accept baptism. Isidore, who admired him, records it with an explicit reproach:

> *qui initio regni Iudaeos ad fidem christianam permovens, aemulationem quidem habuit, sed non secundum scientiam: potestate enim compulit quos provocare fidei ratione oportuit.*

Who at the beginning of his reign, moving the Jews to the Christian faith, had zeal indeed, but not according to knowledge: for he compelled by power those whom he ought to have summoned by the reasoning of the faith.

Twenty years later the council of 633 addressed what he had done, and its canon on the subject is a single paragraph containing both halves of the mechanism. First the principle:

De Iudeis autem praecepit sancta synodus, nemini deinceps ad credendum vim inferre... Non enim tales inviti salvandi sunt, sed volentes, ut integra sit forma iustitiae... Ergo non vi sed libera arbitrii facultate ut convertantur suadendi sunt, non potius impellendi.
Concerning the Jews, the holy synod decrees that force is henceforth to be applied to no one to make him believe... For such are not to be saved unwilling but willing, so that the form of justice may be whole... Therefore they are to be persuaded to convert not by force but by the free faculty of choice, and not rather driven.

And then the operative clause:

Qui autem iam pridem ad christianitatem coacti sunt, sicut factum est temporibus religiosissimi principis Sisebuti, quia iam constat eos sacramentis divinis adsociatos et baptismi gratiam suscepisse et chrismate unctos esse et corporis domini et sanguinis extitisse participes, oportet ut fidem etiam quam vi vel necessitate susceperunt tenere cogantur, ne nomen domini blasphemetur et fides quam susceperunt vilis ac contemptibilis habeatur.
But those who were some time ago compelled to Christianity, as was done in the times of the most religious prince Sisebut — since it is established that they have already been joined to the divine sacraments and have received the grace of baptism and been anointed with chrism and been partakers of the body and blood of the Lord — it is fitting that they be compelled to hold even the faith which they received by force or necessity, lest the name of the Lord be blasphemed and the faith they received be held cheap and contemptible.

No one may be forced. Those already forced must be compelled to keep it. Both sentences in one canon, both true, and the gap between them is the whole history of the next eighty years.

Three canons later, the council reaches the children:

Iudeorum filios vel filias, ne parentum ultra involvantur erroribus, ab eorum consortio separari decernimus; deputatos aut monasteriis aut christianis viris ac

> *mulieribus deum timentibus, ut sub eorum conversatione cultum fidei discant, atque in melius instituti tam in moribus quam in fide proficiant.*
> *We decree that the sons and daughters of Jews are to be separated from the company of their parents, lest they be further entangled in their parents' errors; being assigned either to monasteries or to God-fearing Christian men and women, so that under their manner of life they may learn the practice of the faith, and being better instructed may make progress both in morals and in faith.*

Sub eorum conversatione cultum fidei discant. Under their manner of life may they learn the practice of the faith. Not be argued into it. Learn it, by living in it, as children learn everything.

The canon immediately preceding is the same instrument in a narrower case: converts who had circumcised their sons were to have those sons taken from them.

It has to be said plainly what this council was doing, because the two provisions look like hypocrisy and are not. These men understood the mechanism exactly. They knew that an adult cannot be made to believe — they said so, in a formula of real theological weight, that such are not saved unwilling but willing. And they knew that a child does not have to be made to believe anything, because a child acquires the framework of the world from whoever holds him during the slippery years. So they left the adults their consciences and legislated for the children. The bishops of Toledo in 633 had a clearer working theory of formation than most of the orders this framework examines, and they wrote it into canon law in a single sitting.

And it failed. That is the last fact in this module and the most important one.

The policy had to be enacted again, and again, and again. Recceswinth legislated against the Jews in the code of 654. Erwig, in 681, brought a body of new law to the Twelfth Council, the overwhelming majority of it directed at Jews and converts. Egica came back to it at the Sixteenth Council in 693 and again at the Seventeenth in 694, where he told the bishops he had learned of a conspiracy, and the council decreed enslavement and the removal of children.

Sixty years of re-enactment. A statute that has to be passed four times in four reigns is a statute that is not working, and the reason it was not working is legible from the mechanism itself. Seizing children one household at a time, by a state with no police, no registry and a floor of force that could not subdue the next valley, is what you do when you do not own the apparatus in that community. The Church owned the formation of Christian Hispania because it had a building in every town, a school in the bishop's house, a calendar everyone kept and a rite everyone's infant passed through in the first weeks of life. It owned none of that inside a Jewish household, and so it

went after the households with soldiers, for eighty years, and the households were still there in 711.

Reading formation against the framework

Five things, and the first is the one this case was brought in to test.

One: there is no unformed person, and the rule does not stop at the conquerors' door. The established finding is that a ruling group which withholds formation from the ruled does not thereby produce an unformed population — it leaves the incumbent apparatus in possession, and the population gets formed anyway, by the order the conquest was supposed to have replaced. This case runs the mechanism to its conclusion. The Goths did not withhold formation as a policy of exclusion; they simply never built any, having arrived with a confession and no institution behind it. The apparatus they found — episcopal schools legislated in 527, a unified liturgy and calendar, a rite of infant initiation, an annual visitation, and in Isidore a curriculum — therefore held the field for everyone in the peninsula, and *everyone included the Goths*. Within three generations of 589 the ruling people had no language, no liturgy, no school and no formation of its own, and survived only as a name in the law and a pedigree in a book.

The general form to carry: **the direction of cultural absorption is set by which party owns the apparatus that holds children, not by which party holds the sword.** A conquering minority without a formation system is not merely failing to convert its subjects; it is queuing up to be converted by them, and the timetable is generational rather than political.

Two: converting a population is an institutional transfer, not a persuasive achievement — which is why the father failed and the son succeeded. Leovigild spent eighteen years attacking adult vigilance with the instruments that reliably fail against it: state pressure, deposition, gold, and a doctrinal easement lowering the entry cost. He bought converts — the hostile chronicler says they came *cupiditate potius impulsi*, driven rather by greed — and bought converts revert. Reccared performed a transfer: he moved a small ruling minority into the institution that already held every child in the peninsula, in one council, and it never came undone. Same nobility, eight years, opposite results, because the two acts were not the same kind of act.

The diagnostic that follows should be applied to every reported religious or ideological conversion of a population: **ask not what was preached, but which institution acquired the children — and if the answer is none, expect the conversion to be as durable as the reign that bought it.**

Three: what a ruler with no warrant of his own pays for legitimacy is his own group's continuity. The previous module found the Visigothic kings buying a warrant they could not issue, from a church they did not control, in crowns and prostrations and oil. This module names the currency. What Reccared handed over in 589 was the formation of Gothic children — and therefore, on a delay of about three generations, the existence of the Goths. The transaction is legible as a religious conversion and is one; it is also the sale of a people's future for a throne's present security, and both descriptions are true at once. The instrument to watch for: **where a ruling group with a thin warrant joins the subject population's formation apparatus, date the disappearance of that ruling group from the year of the transfer, not from the year of its political fall.**

Four: compulsory child-removal is the tell of a formation apparatus that cannot reach the household, and its re-enactment interval measures the failure. Surveillance, the framework holds, is the tell of a belief that never took. Formation has a matching signature. Canon 60 of 633 orders Jewish children separated from their parents so that they may *learn the practice of the faith* by living it — a perfectly accurate statement of how formation works, and one that a state only has to write down when it cannot get at the children any other way. The measure of its failure is that the same policy was re-legislated in 654, in 681, in 693 and in 694. **Count the re-enactments: a formation statute passed once is an institution; passed four times in four reigns, it is a confession that the household is winning.**

Five: the men running the apparatus understood the mechanism, and said so. The council of 633 declared in one canon that no one may be forced to believe, because *non enim tales inviti salvandi sunt, sed volentes* — such are not saved unwilling but willing — and three canons later ordered the children of Jews taken from their parents. Read as hypocrisy this is unintelligible. Read as a working theory of formation it is exact and coherent: adults cannot be compelled to believe and children do not have to be, because a child takes his framework from whoever holds him through what the same council, in another canon, called *lubricae aetatis annos*, the years of the slippery age. The framework should stop treating the sophistication of formation systems as something the analyst supplies. In this case the practitioners had the theory, in writing, in canon law, in 633, and the study's job is to read what they said they were doing.

A note on sources. All quotations are given exactly from public-domain primary texts in Latin. The canons of the Second Council of Toledo (canon 1) are quoted from the Latin conciliar text; the council is dated 527 or 531 and its acts record eight bishops under Montanus of Toledo. The Fourth Council of Toledo is quoted from the Latin of the *Collectio Hispana Gallica Augustodunensis*; the canons used are the liturgical

uniformity canon, the Easter canon, the baptism canon quoting Gregory the Great's rescript to Leander, canon 11 on the January Kalends, canon 24 *De conversatione clericorum*, canon 25 on ignorance, canons 26 and 36 on parish clergy and visitation, canon 41 on the tonsure, and canons 57, 59 and 60 on Jews and their children. Canon numbering differs by one or two between the manuscript families and the printed editions, and the numbering used here follows the *Collectio Hispana* text consulted. The subscription of that text reads *Ego Isidorus, in Christi nomine ecclesiae Spalensis metropolitanus episcopus, haec constituens, subscripsi*, with the remaining bishops' subscriptions given as forty — which sits oddly against the sixty-six named in the council's own heading, and the discrepancy is in the source, not resolved here. John of Biclaro's notice of the Arian synod of 580 is quoted from the older Latin text; John was a Goth whom Leovigild had exiled to Barcelona for refusing that church, so his word *seductio* is a party word and is left as his. Isidore's judgement on Sisebut is from the *Historia Gothorum*, chapter 60, in the Migne-based text. Martin of Braga's *De correctione rusticorum*, sections 1 and 16, is quoted from the standard Latin; Martin was bishop of Braga and died about 579, and the sermon was written at the request of Polemius of Astorga, which makes its catalogue of practices a working list compiled by a man who had to preach against them rather than a literary topos — though the individual items overlap with earlier Gallic sermons, notably those of Caesarius of Arles, and some may be inherited rather than observed.

The claim that the Arian church in Spain ran no formation apparatus is an argument from silence and is flagged as such: no Arian conciliar legislation on schools survives, no Arian monastic foundation in the peninsula is attested, and no Gothic-language instructional text from Spain is known — but the surviving record was curated by the party that won in 589, and absence of evidence here is weaker than it looks. The positive evidence offered against that weakness is the outcome rather than the archive: the disappearance of Gothic as a written language of the kingdom, and the absence of any Gothic instrument of law, canon, charter, inscription or coinage.

Modern scholarship paraphrased and credited: Roger Collins and E. A. Thompson on the conversion of 589 and on the Jewish legislation; Rachel Stocking on the councils of Toledo; Michael Kelly on the Erwigian revision of the code, whose new laws were overwhelmingly directed at Jews; the standard literature on Isidore's *Etymologiae* and its transmission. Contested points given as such: the date of the Second Council of Toledo, 527 or 531; the proportion of Erwig's new laws directed at Jews, given in the literature as around four-fifths; the extent to which Martin of Braga's catalogue reports Gallaecian practice as against inherited homiletic material.

MODULE 5

The Patroness Who Never Dies

The cost column — what compliance cost the ordinary man of Visigothic Spain, what it bought him, and where the exits led

Who is being asked

The previous modules have been about men with names. This one is about the people the sources mention only in the plural, and the first thing to establish is that they were not one kind of person.

At the bottom were slaves, in numbers the law assumes to be very large — the code legislates for estates with slave households big enough to need overseers drawn from among the slaves themselves, and for a state that owned slaves of its own. Above them, but not by much, were *coloni*, tenants tied to their holdings by late Roman fiscal legislation the Goths inherited and kept enforcing. Alongside both were freedmen, and the freedmen divide again — those manumitted outright, those manumitted with service retained, and the very large class manumitted by churches, whose position is the subject of this module's title. There were free smallholders, particularly in the north and in the mountain fringes. There were townsmen: craftsmen, traders, a shrunken curial residue. There were Jews, in the towns and on the land, a population older in the peninsula than the Church. And beyond the reach of any of it there were the peoples of the northern mountains, who paid nothing to anybody.

The question is why any of them did what they were told, and the answer differs by which of them you mean. But it begins with a fact that governs all of them.

Who actually collected

The Visigothic state was almost absent from the life of an ordinary person.

There was no standing garrison network across the interior; the army was raised by summons from the households of great men, and the two long conscription statutes of the seventh century exist because that summons was routinely ignored. There was no police force, no registry of persons, no pass system, no political surveillance. The kingdom's fiscal officers were thin on the ground and its judges were few. A peasant in the Duero valley in 650 might go his whole life without seeing an agent of the crown.

He would not go a week without seeing his lord's agent.

That is the structural fact from which the whole cost column follows. The coercion that bore on the ordinary man was administered privately, by the man who owned the land he worked or the body he inhabited, under a law the state wrote but the landlord executed. The code's provisions on fugitives are extensive and severe, and they are written for the benefit of the pursuing owner. Its penalties for theft, for insolence, for flight, are inflicted by or at the instance of masters. Even the state's own coercion ran through private hands: when the king wanted an army, he asked great men to bring their retinues and a proportion of their armed slaves.

So when this module asks what compliance cost, the answer for most of the population is: it cost what your lord decided, within limits the king had written down and could not often enforce.

The cost of refusal

Those limits are worth reading, because they cut both ways.

The Visigothic code punishes with money at the top and with the body at the bottom, and the sorting is explicit. The same act draws a fine from a freeman and a flogging from a slave; the tariffs of Book VI grade compensation for wounds and mutilations by the status of the injured and the injurer both. Flogging runs in specified counts — fifty, a hundred, a hundred and fifty, two hundred, and in one case three hundred lashes, the heaviest in the code. To these are added *decalvatio*, a shearing or scalping whose precise nature is disputed among historians but which was unmistakably a permanent public mark; mutilation; and, for free persons, the penalty that mattered most, reduction to slavery. A freeman convicted of certain offences did not merely suffer; he and sometimes his descendants changed category.

Torture was available and was regulated, and the regulation is itself a status document: the code hedges the judicial torture of free persons of standing with procedural conditions that do not protect those below them. In 683 the bishops of the Thirteenth Council of Toledo condemned confessions extracted under torture and set a maximum term of imprisonment — which tells you both that the practice was common enough to legislate against and that somebody thought it worth restraining.

And against the private power of the master, the code sets two limits which are real and should be credited. Under rubrics that Scott's old translation renders as *No master shall kill his slave without good reason* and *No one shall deprive a male or female slave of a limb*, the law removed from the owner the right to kill or maim his own property at will and required the matter to go before a judge. Whether this was enforced on any given estate is unknowable. That it was written at all marks a state asserting, against the

men who actually held the coercive power, that a slave was a person the king had an interest in.

Where the exits led

The framework asks whether the oppressed could simply walk away. In Visigothic Spain there were three exits, and the interesting thing about all three is where they came out.

The first was flight, and it was real. The northern mountains were not governed. Six reigns of campaigning failed to change that, and the record shows the mountains functioning as a refuge: Recceswinth faced a rising in the Ebro valley led by Froya, an exiled Goth who had gone to Basque country and come back with an army, and in 673 the rebel *dux* Paul recruited Basques against the king. For a slave or a colonus, flight meant becoming a fugitive from a private owner whose neighbours had every legal and practical incentive to return him, across country where he had no standing and no kin. It was available, it was taken often enough for the code to devote a title to it, and it was a bet against long odds.

The second was the Church, and it worked as an appeal channel rather than as an escape. The Fourth Council of Toledo laid the duty on bishops in terms that are worth quoting because they concede what they are for:

> *Episcopi in protegendis populis ac defendendis inpositam a deo sibi curam non ambigant. Ideoque dum conspiciunt iudices ac potentes pauperum oppressores existere, prius eos sacerdotali admonitione redarguant; et si contempserint emendari, eorum insolentiam regiis auribus intiment, ut quos sacerdotalis admonitio non flectit ad iustitiam, regalis potestas ab improbitate coerceat.*
> *Let bishops not doubt the care laid on them by God in protecting and defending the peoples. And therefore when they see judges and powerful men to be oppressors of the poor, let them first rebuke them by priestly admonition; and if these scorn to be corrected, let them make their insolence known to the royal ears, so that those whom priestly admonition does not bend to justice, the royal power may restrain from wickedness.*

A council does not create such a duty for an imaginary problem. The canon is evidence that judges and *potentes* were oppressing the poor as a matter of course, and it is also the only recourse the poor had: not a court, but a bishop who might mention it to the king. Bishops in this kingdom also held courts, offered sanctuary, and could stand between a man and a magnate. It was a genuine benefit and it was entirely discretionary.

The third exit was commendation — placing yourself under a stronger man's protection — and this is where the module's argument turns. For a free man under pressure, the available move was to attach himself to a magnate, or a church, in exchange for security. Euric's code had already given legal recognition to the armed retainer who received arms and land from a patron. The seventh-century evidence shows the same logic running down the social scale.

And the Church, which was the most attractive patron available, wrote the terms.

The Fourth Council of Toledo legislated at length on the freedmen of churches, and its provisions are among the most revealing texts this study will handle:

> *Liberti ecclesiae, quia numquam eorum moritur patrona, a patrocinio eiusdem numquam discedant, nec posteritas quidem eorum, sicut priores canones decreverunt... necesse est ut tam idem liberti quam ab eis progeniti professionem episcopo suo faciant, per quam ex familia ecclesiae liberos effectos se esse fateantur, eiusque patrocinium non relinquant, sed iuxta virtutem suam obsequium vel oboedientiam praebeant.*
> *Let the freedmen of the church — since their patroness never dies — never depart from her patronage, nor indeed their posterity, as the earlier canons decreed... it is necessary that both these freedmen and those born of them make a profession to their bishop, by which they acknowledge themselves to have been made free out of the household of the church, and let them not leave her patronage, but according to their strength render service and obedience.*

Quia numquam eorum moritur patrona. Because their patroness never dies.

An ordinary manumission left a freedman owing service to a patron who would eventually die, after which his descendants were simply free. Manumission by a church created an obligation with no terminus, because the obligor was an institution. The canon says so as its reason. And the following canon closes the loophole: freedmen who leave the church's patronage and attach themselves to other persons, if admonished and refusing to return, have their manumission voided — they go back to being slaves.

Two more provisions complete the arrangement. Church slaves could be ordained priests or deacons, but had to be manumitted first, and whatever came to them by liberty, inheritance or any other benefit could not pass to any outside person but reverted to the church; and to them, as to the church's other freedmen, *accusandi vel testificandi adversus ecclesiam aditus intercluditur* — the way of accusing or bearing witness against the church is shut off. And those manumitted with service retained were not to be ordained at all, for a reason stated with brutal clarity: *ne quando voluerint eorum domini, fiant ex clericis servi* — lest when their masters wish it, they become slaves out of clerics.

Read together, these canons describe the best exit available to an unfree person in Visigothic Spain, and describe it as a permanent hereditary clientage to an immortal patron, enforced by the threat of re-enslavement, in which the freedman is barred by law from testifying against the institution that holds him.

That is the finding this module is named for. Exit existed. Every exit led sideways, into someone else's protection. None of them led out.

What compliance bought

It would be a false accounting to leave it there, and the framework's discipline requires the benefit column to be filled in honestly.

Compliance bought protection, and protection was not nothing. The alternative to a lord was not liberty but exposure — to raiders, to famine, to the next lord, to men with weapons and no obligation to you. Orosius had recorded, two centuries earlier, that some Romans preferred a poor liberty among barbarians to the anxiety of Roman taxes; by the seventh century the calculation had largely gone the other way, because the men who could offer safety were the men who owned the land.

It bought a floor of subsistence. The Fourth Council required that those who had given property to a church, and their children, should receive support from that church if they fell into want, on the reasoning that if the goods of the church are given for the use of clerics, monks, pilgrims and any in necessity, how much more to those to whom a just return is owed. It is charity conditional on prior donation, but it is a floor.

It bought, for a narrow but real class of people, a route upward. Manumission happened, constantly; the volume of legislation about freedmen is itself proof that a great many people were being freed. Church slaves could become priests. And there was one route to freedom outright: the council ruled that Jews might not hold Christian slaves, *nefas est enim ut membra Christi serviant Antichristi ministris*, and that any such slaves were to be removed from their masters and receive liberty from the prince. A Christian slave in a Jewish household had a legal path to freedom that a Christian slave in a Christian household did not — which is status arbitrage of a very ugly kind, and was undoubtedly used.

And it bought the thing hardest to price and most important. The order the ordinary man lived in supplied him with a year that had a shape, a community he belonged to, a set of authorities he had been taught from infancy to trust, a language for his griefs, a burial, and an account of what all of it was for. The apparatus described in the previous module was not experienced as an apparatus. It was experienced as the world. A man formed from infancy on a single liturgy, a single calendar and a single rite

of entry does not comply with that world; he inhabits it, and the question of compliance does not arise for most of what he does in a day.

That is why the cost column in Visigothic Spain was, for the great majority, comparatively cheap. Not because the coercion was light — it was not; the code flogs and mutilates and enslaves — but because the coercion only had to reach the margin. The centre held on belief.

Whose belief was paying

And here the module joins what the previous ones found, because the belief holding the centre was not the king's.

Every instrument that converted an ordinary man's conviction into obedience to the crown was borrowed from the Church. The oath of fidelity that bound the population to the king was a religious oath, and the sanction for breaking it was excommunication and anathema, pronounced by bishops, three times over, in the seventy-fifth canon of 633. The channel through which a peasant's grievance could reach the king ran through his bishop. The king was made by unction from a bishop's hands and offered crowns above altars. The calendar on which the kingdom's year ran and the rite through which its infants entered the community were the Church's, unified by the Church's council, and the Church made the entry rite deliberately unlike the one the ruling dynasty's grandfathers had used.

None of this made the arrangement fragile in the short run — an order running on borrowed belief runs perfectly well, and often better than one running on its own, because the lender has been installing the belief in children for three hundred years and is very good at it. What it means is that the crown's cost column was cheap on credit, and the credit was extended by an institution whose interests were not identical to the crown's and which had written itself an option to withdraw.

The bill is visible in a small, specific fact. Twice in eight years the state cancelled tax arrears it could not collect: Erwig at the Thirteenth Council in 683, Egica in 691. Set those beside the two conscription statutes of 673 and 681, each among the longest laws in the code, each aimed at compelling great men to turn up at the muster. Four documents in twenty years, from three kings, in which the state formally admits it cannot get the men or the money.

That is what a cost column looks like when the population's compliance is owed to somebody else. The ordinary man in 690 was obedient — to his lord, to his bishop, to the year the Church had given him. What he was not was reachable by the crown for anything the crown specifically wanted.

Reading the cost column against the framework

Four refinements, and the second is the one this case forces.

One: in a delegated order the ordinary man's coercer is not the state, and the state's fall does not alter his ledger. The Visigothic crown had no garrisons, no police, no registry, and an army it had to legislate into being. The coercion that shaped an ordinary life was administered by landlords under a law the crown wrote and rarely enforced. It follows that the cost column of the great majority was owed to a party that would still be there on any morning after any political catastrophe. The framework should carry this explicitly: **where coercion is delegated to private landholders, compute the ordinary man's ledger against his lord, not against the state, and expect his behaviour at a change of regime to be governed by whether the lords change — not by whether the crown does.**

Two: "can they leave?" is two questions, and only one of them constrains an order. Exit from the *state* and exit from *dependency* are different variables and this case separates them cleanly. All three Visigothic exits — flight to the ungoverned north, appeal to a bishop, commendation to a stronger patron — led sideways into another protector rather than out into independence. The most attractive of them, manumission by a church, was legislated into a hereditary clientage with no terminus at all, on the express ground that *numquam eorum moritur patrona*, their patroness never dies, and secured by voiding the manumission of any freedman who attached himself elsewhere, and by barring such freedmen from testifying against the institution that held them.

An exit of that kind does not discipline the order. It redistributes dependants among its beneficiaries, and it can even strengthen the order by giving the desperate somewhere to go that is still inside. **The variable to measure is not whether exit exists but whether any exit terminates in a position that owes nothing to a patron — and where none does, the availability of exit should be scored as a stabiliser rather than a constraint.**

Three: where compliance is cheap because of belief, the question is whose belief, and who owns the institution that installed it. This order got its ordinary compliance very cheaply, and the reason was formation rather than force: the population inhabited a world it had been given in childhood, and coercion only had to reach the margin. But the crown owned none of that. Every device converting belief into obedience to the king — the sacramental oath, the anathema, the bishop as grievance channel, the unction, the calendar — was the Church's, lent. The general form: **a ruler can run his cost column on credit drawn against another institution's formation of his subjects; the arrangement is cheap, durable, and**

invisible as a liability until the lender's interest diverges from the borrower's. The instrument for detecting it is to list the sanctions that actually enforce ordinary compliance and ask who pronounces them.

Four: written-off arrears are the fiscal twin of a conscription statute, and both should be read as confessions. An earlier module proposed that compulsory-service laws aimed upward at the elite are the tell of a floor that was never solid. Remission of tax arrears is the same instrument in the revenue column. A state that formally forgives what it is owed is not being generous; it is clearing a register that has stopped corresponding to anything collectable, and doing so publicly, at a council, in exchange for the goodwill of the men who owed it. **Two remissions in eight years, alongside two muster statutes in eight years, give a twenty-year window in which the same state admitted four times that it could compel neither men nor money — and that window should be marked on the decline curve well before any external shock is looked for.**

A note on sources. The canons of the Fourth Council of Toledo (633) are quoted exactly from the Latin of the *Collectio Hispana Gallica Augustodunensis*: canon 32 on episcopal protection of the people, canon 38 on support for impoverished donors and their children, canon 66 on Jews holding Christian slaves, canon 70 on the freedmen of the church and their posterity, canon 71 on freedmen who attach themselves elsewhere, canon 73 on those manumitted with service retained, and canon 74 on church slaves ordained to the clergy. Canon numbering varies by one or two between manuscript families and printed editions. The provisions of the *Liber Iudiciorum* on the graded tariffs of Book VI, on judicial torture, on fugitives, and the two laws restraining a master from killing or maiming his own slave, are summarised rather than quoted: the Latin is in Zeumer's *Leges Visigothorum*, MGH Leges nationum Germanicarum I.1 (1902), which I have not had before me in full, and the widely available English is S. P. Scott's translation of 1910, which is loose and made from the later *Forum Iudicum* rather than from the seventh-century text. The rubrics cited in English are Scott's. The three-hundred-lash penalty as the heaviest in the code, and the association of *decalvatio* with a range of offences, are taken from the current scholarly literature rather than from the Latin directly; the physical nature of *decalvatio* — shaving, scalping, or the pulling of hair — is genuinely disputed and no position is taken here. The remissions of arrears of *tributum* are dated to Erwig in 683, at the Thirteenth Council of Toledo with a corresponding law in the code, and to Egica in 691, at the Third Council of Zaragoza with a corresponding canon at the Sixteenth Council of Toledo; both are cited from the numismatic and fiscal literature and not from the conciliar Latin. The

Thirteenth Council's condemnation of confessions under torture and its limit on imprisonment are likewise reported rather than quoted.

Modern scholarship paraphrased and credited: E. A. Thompson and Roger Collins on Visigothic society and on the councils; Chris Wickham on the fiscal and tenurial structures of the post-Roman West; Michael Kelly on the *Liber Iudiciorum* as a political text and on the Erwigian revision; the current Visigothic numismatic literature on tribute and coinage. Contested points given as such: the size of the slave and *colonus* populations, which is not recoverable and for which the code's assumptions are the only evidence; the degree to which the code's protective provisions were enforced on private estates, for which there is no direct evidence at all; and the reading of Froya's revolt, where the northern mountains' function as a refuge for the kingdom's enemies is clear but the scale of ordinary flight to them is not.

MODULE 6

Nothing Smaller Than Gold

Extraction — the two rivers, the coin that measures how deep the state reached, and the engine that actually filled the treasury

The coin

Begin with an object, because in this case the object settles a question that the documents leave open.

The Visigothic kingdom struck one circulating denomination. It was the *tremissis*, a third of a gold *solidus*, a disc of about a gram and a half. From early in Leovigild's reign it carried the king's name on both faces, and on the reverse it named the town where it was struck. Nearly a hundred mint-names are known — Toledo, Mérida, Seville, Córdoba as the major and permanent ones, and beyond them a scatter of small and short-lived places, some represented by a handful of surviving specimens.

What the kingdom did not strike is more informative. There was no royal coinage in silver, and none in bronze, at any point in the seventh century. In a peasant economy that presumably still bought bread and hired labour, the gap was filled by whatever was to hand: old worn Roman bronzes, three and four centuries out of date, and crude local copper tokens marked with a cross or a monogram that recent excavation in Spanish towns has begun to turn up.

Set against a modern currency the arrangement is almost unintelligible: a cash economy in which the only official money is a high-value note. But it is intelligible the moment one asks what the coin was for. The prevailing view in the numismatic literature — Rory Naismith's, and in different forms Ruth Pliego's and Andrew Kurt's — is that Visigothic gold was struck for fiscal and military purposes rather than commercial ones: to receive tax, to pay soldiers, to make royal gifts. The plethora of mint-names is read as evidence of localised collection points rather than of a vigorous monetary economy, and the distribution of coin losses is regional rather than concentrated on the capital, which suggests that the intake of gold was regional too.

That gives us the module's first measurement, and it is a physical one. **The Visigothic state's money touched the top of the pyramid and nothing else.** Where a Roman provincial had used bronze coin to buy his dinner and thereby moved, in a small way, inside a state's monetary system, a seventh-century Spanish peasant used the small change of a dead empire and tokens his own town had made. The kingdom

minted for the men who paid tax in bulk and the men who were paid to fight. Everybody else was outside the currency.

The larger river

The reason is not that there was nothing to extract. It is that the great bulk of what was extracted never passed through the state at all.

The settlement, two centuries earlier, had made the incoming Goths into landholders. Not a fiscal caste, not a garrison paid from a treasury, not a service nobility drawing salaries — landlords, holding *sortes* beside Roman *tertiae*, with the boundaries between them protected in law and unchallengeable after fifty years. Whatever the shares physically were, the outcome by the seventh century is not in doubt: the productive land of the peninsula was held by great proprietors, secular and ecclesiastical, and worked by slaves, *coloni* and dependants.

The flow of wealth from those workers to those proprietors was the dominant extraction in Visigothic Spain, and it was private. It moved in kind and in labour, on the estate, under the lord's own agents, and it left almost no documentary trace because it required none — no receipt, no register, no coin. The code legislates constantly about the people who produced it and never once about how much of their product they surrendered, because that was not the state's business.

So there were two rivers. One was enormous, private, undocumented, and ran from the fields to the villa. The other was small, public, documented, and ran from the villa to the treasury. The kingdom's fiscal history is the history of the second river running dry while the first ran on untouched.

What the state did collect

The public river was real, and it was Roman.

Unlike Gaul, where the land tax appears to have decayed early, Visigothic Spain kept a functioning *tributum* into the seventh century. Its machinery was inherited: assessment by district, collection by *numerarii* and the agents of the count of the city, accounting to the fisc. A document known from the conciliar collections as the *De fisco Barcinonensi*, produced at Barcelona at the end of the sixth century, records provincial arrangements for the collection of tribute in Tarraconensis and shows bishops taking part in the process — which tells us something the rest of this study has been circling, namely that the state's fiscal reach into the localities ran partly along ecclesiastical rails.

The mints tell the same story from the other end. Their regional distribution, and their association in the literature with tax intake and military payment, describe a

system in which gold was gathered locally, struck locally, and used locally, rather than flowing to a capital and out again. That is a state collecting in the provinces through provincial men.

And it was failing. Twice in eight years the crown formally cancelled arrears of *tributum* it could not collect — Erwig in 683, Egica in 691, each time at a council, each time in public, each time in exchange for the goodwill of the men who owed. A state does not forgive what it can still take.

The Church's third

Alongside the crown's collection ran a second public extraction, and its rate is written down.

The Fourth Council of Toledo, legislating against bishops who were stripping the parish churches of their dioceses, states both the abuse and the entitlement:

> *Avaritia radix est cunctorum malorum, cuius sitis etiam sacerdotum mentes optinet. Multi fidelium in amore Christi et martyrum in parroechiis episcoporum basilicas construunt, oblationes sanctas tribuunt; sacerdotes haec auferunt atque in usus suos convertunt. Inde est quod cultores sacrorum deficiunt, dum stipendia sua perdunt; inde labentium basilicarum ruinae non reparantur, quia avaritia sacerdotali omnia auferuntur... sed iuxta priorum auctoritatem conciliorum, tam de oblationibus quam de tributis ac frugibus tertiam consequantur.*
>
> *Avarice is the root of all evils, and the thirst for it possesses even the minds of priests. Many of the faithful, out of love for Christ and the martyrs, build churches in the parishes of bishops and grant holy offerings; the bishops carry these off and turn them to their own uses. Hence it is that those who serve the sacred things fail, since they lose their stipends; hence the ruins of collapsing churches are not repaired, since everything is carried off by priestly avarice... but let them receive, according to the authority of earlier councils, a third both of the offerings and of the tributes and the fruits.*

A formal extraction rate — one third of the offerings, tributes and produce of every parish church, to the bishop — set in canon law by a council of the whole kingdom, with the abuse it was written to restrain named in the same paragraph. The same council goes on to forbid the founders of churches to retain any power over what they have given: *sicut ecclesia, ita et dos eius ad ordinationem episcopi pertineat*, as the church, so also its endowment belongs to the bishop's disposal.

That last clause is the quiet engine of the century. Gifts to the Church were irrevocable and went to the bishop. Across three hundred years of donations by kings, magnates and the ordinary devout, they accumulated without loss.

The engine that actually filled the treasury

The crown had no such engine, and what it used instead is stated flatly by its own historian.

Isidore, on Leovigild: *Fiscum quoque primus iste locupletavit, primusque aerarium de rapinis civium hostiumque manubiis auxit* — he was also the first to enrich the fisc, and the first to increase the exchequer from the plunder of citizens and the spoils of enemies. And in the sentence immediately before it, the method: whomever he saw to be most noble and most powerful, he either beheaded or, their wealth taken away, proscribed and sent into exile.

That is the Visigothic revenue innovation, and it was not a tax. It was confiscation from the political class, and every reign that needed money reached for it.

Its extreme case is Chindaswinth. He took the throne by coup in 642 at nearly eighty, and according to the Frankish chronicler conventionally called Fredegar he pre-emptively destroyed the opposition on a scale that has no parallel in the kingdom's history: two hundred *primates Gothorum* — leading men of the Goths — and five hundred of the *mediocres*, the middling sort, executed, with others exiled and their property taken. Fredegar is a hostile foreign source writing at a distance and his figures are round; they should be held as a chronicler's order of magnitude rather than a count. But the Seventh Council of Toledo, meeting in 646, endorsed his position and toughened the penalties against those who rose against the king, which is corroboration of a sort that the executions and confiscations were real and large.

What such a policy produces, besides gold, is a class of dispossessed families with an heritable grievance and a documented claim. And the kingdom's own councils show the bill falling due.

In 683 the Thirteenth Council of Toledo, at Erwig's request, pardoned and rehabilitated the men who had rebelled against Wamba ten years earlier, restored to them and to their descendants their possessions and their positions, and extended the pardon to everyone disgraced for the same cause back to the reign of Chintila — that is, back some forty-five years. In the same period the crown was also writing off tax arrears. A state that is simultaneously forgiving what it is owed and returning what it has seized has run out of both of its revenue mechanisms at once.

Where it went

Nothing on the scale of a Roman public works programme survives from Visigothic Spain, because there was none. No aqueducts, no new road network, no baths, no amphitheatres, no monumental fora. The cities the kingdom inherited were maintained where they were maintained by bishops and by whatever municipal capacity survived.

What the kingdom's wealth bought is legible in three categories.

It bought churches. The best-preserved is San Juan de Baños in the Palencia countryside, a small three-aisled basilica in fine ashlar with horseshoe arches and Roman columns taken from nearby ruins, carrying an inscription in verse over the chancel arch which names Recceswinth as its founder, records that he built and endowed it at his own cost and on his own property, and dates it by the Spanish era to a year corresponding to 661. The inscription is the reason the building can be dated at all, and it is not uncontested — Juan Gil has argued for 652, and a recent epigraphic study argues on palaeographic grounds for a date as late as the ninth century — so its testimony should be held with that caution. But the phrasing of the dedication, in every reading, has the king building from his own estate rather than from the fisc, which is itself a statement about how a Visigothic king thought of his property.

It bought treasure, and gave it away. The votive crowns of Guarrazar were found a few miles from Toledo; the finest of them carries Recceswinth's name, and it was the same king's gift — by long tradition, to the very church at Baños. Gold made in the shape of a crown, hung over an altar, is wealth extracted from the peninsula and converted into a claim on the institution that could legitimate a king.

And it bought men. The tremissis was struck to pay soldiers and to make gifts to the nobility; the literature reads a good part of the mint activity as military expenditure, and reads royal gold as a medium of relations between the crown and the great men. Which is to say that a substantial share of what the state extracted went straight back out to the same class it had extracted it from, as the price of their attendance — and that when the muster statutes of 673 and 681 had to compel that attendance by threat of exile and confiscation, the payments had stopped buying what they were meant to buy.

Reading extraction against the framework

Four findings, and the second offers the framework a physical instrument it has not had.

One: where the settlement makes the conquerors landlords rather than a fiscal class, the state becomes a minor claimant on its own territory. The dominant extraction in Visigothic Spain was private rent, flowing from slaves and *coloni* to great proprietors, in kind and in labour, without documents or coin. The crown's *tributum* was a second and much smaller stream, levied on the surface of an economy whose depth belonged to the aristocracy — and by the 680s it was being formally written off.

This is the fiscal consequence of a founding force acquired by contract rather than by conquest. A conqueror who takes an empire's revenue system whole and staffs it with his own officers ends up owning the extraction. A conqueror who is settled onto land as the price of his service ends up owning an estate, and his king ends up taxing him. The general form: **read the settlement to predict the fisc — where the conquering group was paid in land rather than in office or salary, expect the state's revenue to be structurally small, to be levied on its own aristocracy rather than on the producers, and to decline as that aristocracy's leverage grows.**

Two: the denomination of the coinage measures how deep the state reached, and it is a cheap physical test. The Visigothic kingdom struck gold and only gold, from nearly a hundred mostly minor mints, at a denomination no ordinary person handled, while daily exchange ran on the worn bronze of an empire dead for three centuries and on tokens made locally with a cross stamped on them. That is not a monetary economy the state participated in; it is a fiscal instrument for gathering tax and paying soldiers, dressed as a currency.

Offered to the framework as a general diagnostic: **where a state issues high-denomination coin and no low-denomination coin, it is extracting from the top of the social pyramid and is absent from the market; the presence or absence of small change is a direct measurement of how far down the state's apparatus actually reaches.** The test is available for any monetised order, requires no documents, and cannot be spun by the order's own historians — which makes it more reliable than most of what a study of this kind has to work with.

Three: a treasury that grows by confiscation is borrowing from the next reign at compound interest. Isidore names Leovigild as the first to increase the exchequer from the plunder of citizens, and describes the method — behead the noblest, proscribe the rest, take the property. Chindaswinth ran the same policy at a scale the sources put at two hundred leading Goths and five hundred lesser men. It works: it produces gold immediately and it removes rivals. What it also produces is a set of dispossessed families whose claim is inheritable and whose grievance is documented in the acts of the councils that ratified the seizure. The claim comes back. In 683 a king

who needed the aristocracy's support had to restore property and rank to the rebels of 673 and to everyone disgraced for the same cause across the previous forty-five years.

The instrument: **where the fisc's principal growth mechanism is political confiscation, count the restorations. The interval between a seizure and its reversal is the period over which the crown can spend the proceeds, and the accumulating stock of unreversed claims is a measure of how much civil conflict the treasury has already purchased on credit.**

Four: donations are permanent and confiscations are reversible, so the institution that received gifts out-accumulated the institution that seized them. Across three centuries the Church took in land and treasure by gift, under canon law that made the endowment answerable to the bishop and barred the founder from retaining any power over it, and took a third of the offerings, tributes and produce of every parish church besides. It lost almost nothing, because nobody confiscated from it. The crown, meanwhile, seized and disgorged, seized and disgorged, and wrote off its taxes twice in eight years.

The consequence compounds the findings of the earlier modules rather than merely adding to them. By 700 the institution that held the formation of every child in the peninsula, that issued the only warrant a king could hold, and that pronounced the anathema which enforced the oath of fidelity, was also the largest and most secure accumulator of landed wealth in Hispania. **Where an order buys its legitimacy from an institution it does not control, check whether that institution is also the order's most successful extractor — because if it is, the dependency is not one relationship but three, and they reinforce.**

A note on sources. The canons of the Fourth Council of Toledo (633) are quoted exactly from the Latin of the *Collectio Hispana Gallica Augustodunensis*: canon 33 on episcopal avarice and the third of offerings, tributes and produce, and its concluding provision that the endowment of a church belongs to the bishop's disposal. Isidore of Seville on Leovigild's enrichment of the fisc is from the *Historia Gothorum*, chapter 51, in the Migne-based Latin text; Isidore was writing for the dynasty and the passage is a concession against interest, which is why it is used. Fredegar's figures for Chindaswinth's executions — two hundred *primates Gothorum* and five hundred *mediocres* — are cited from the Frankish chronicle conventionally called Fredegar, composed in Burgundy in the mid-seventh century by an anonymous author hostile to the Visigothic king, and are given here as a chronicler's order of magnitude rather than as a count; they are not independently corroborated, though the Seventh Council of Toledo's endorsement of Chindaswinth's measures in 646 is consistent with executions and confiscations on a large scale. The Thirteenth Council of Toledo's restoration of

property and rank to Wamba's rebels and to those disgraced back to Chintila's reign, and the remissions of arrears of *tributum* by Erwig in 683 and Egica in 691, are reported from the conciliar and fiscal literature and are not quoted from the Latin. The *De fisco Barcinonensi* is described rather than quoted; it is printed in Vives's collection of the Visigothic and Hispano-Roman councils, and its interpretation — in particular how much of a functioning assessment system it implies — is contested.

The San Juan de Baños dedication is described rather than quoted verbatim, because its text, date and even its original location are disputed: the traditional reading dates it by the Spanish era to 661, Juan Gil has proposed 652, and a recent study in the *Boletín del Archivo Epigráfico* argues on palaeographic grounds for a ninth-century date, which would remove it from this study altogether. Nothing in this module rests on it.

Modern scholarship paraphrased and credited: Rory Naismith on gold coinage in the post-Roman West and on the fiscal rather than commercial rationale of minting, and on numerous mints as evidence of localised power structures rather than monetary vigour; Ruth Pliego on Visigothic coinage, including the view that royal gold functioned chiefly for payments and gifts to the nobility; Andrew Kurt on Visigothic minting, the state and the economy, and on the association of mints with tax collection and military expenditure; Chris Wickham on the comparative survival of land taxation in the post-Roman West; Michael Hendy and Damián Fernández on the *De fisco Barcinonensi* and the transition from public to private fiscality; Roger Collins and E. A. Thompson throughout. Contested figures and points given as such: the number of Visigothic mints, given here as approaching a hundred, which depends on how mint-names of single surviving specimens are counted; Fredegar's execution figures; the degree of royal control over minting, which is inferred from the coins rather than documented; the extent to which the *tributum* remained a genuinely functioning assessment system in the seventh century, on which the literature is divided.

MODULE 7

The Humble Historian's Invective

Information and suppression — the only channel that reached everyone, the archive that outlived the policy, and the silences at both ends

The machine that published

Between 589 and 702 the kingdom held eighteen general councils at Toledo, and they were not primarily religious assemblies. They were the Visigothic state's legislature, its supreme court in political cases, its electoral college, and — the concern of this module — its only apparatus for putting information into the heads of a population.

The mechanism ran in three stages, and each stage is documented.

A king opened a council by presenting a *tomus regius*, a written address setting out what he wanted decided. The surviving *tomi* are agenda documents: Egica's for the Sixteenth Council in 693 asks for churches to be restored rather than abandoned, raises the Jewish question, addresses regicide, and proposes a joint royal-episcopal revision of the laws and canons enacted from Chindaswinth's reign to Wamba's. The bishops then deliberated and issued canons. And the king then issued a *lex in confirmatione concilii*, a law confirming the council's decisions, which converted canon into enforceable statute.

Then it was read out. The Twelfth Council of Toledo, meeting from 9 January 681, enacted a body of legislation against Jews and converts and ordered that the canons directed against them be read aloud in all the churches of the kingdom; the first such reading took place in the church of Santa María in Toledo on 27 January.

That is a broadcast system. It had a transmitter in every settlement of any size, a captive audience assembled weekly by the calendar the same institution controlled, a fixed date for simultaneous transmission across the peninsula, and a text with the force of law. Nothing else in Visigothic Spain came close to it. There were no public criers with comparable reach, no monumental inscriptions on the imperial scale, no coinage that ordinary people handled, and no literacy outside the clergy and a thin lay elite.

And the crown did not own it. The king set the agenda and ratified the output; the bishops drafted the content and controlled every pulpit through which it went out. This is the same dependency the previous modules found in the warrant, in formation and in extraction, appearing now in the fourth department. When an order's sole

means of reaching its population is a network it borrows, the borrowing is not one relationship. It is the relationship.

The dossier

The kingdom's other information instrument was official history, and one specimen survives whole, which makes it the most instructive object in this module.

In 673, in the first year of Wamba's reign, the *dux* Paul rebelled in Septimania, had himself anointed king at Narbonne, and was crushed. Within about eight years Julian, later metropolitan of Toledo, produced an account of it. What he produced was not a chronicle. It was a four-part dossier, and the parts are worth listing in order because the arrangement is the argument:

First, the *Epistola Pauli perfidi* — the letter of Paul the traitor, addressed to Wamba, reproduced in full. Second, the *Historia Wambae regis*, the narrative of the king's campaign. Third, the *Insultatio vilis storici in tyrannidem Galliae* — the humble historian's invective against the usurpation of Gaul — a rhetorical assault on a personified Gallia as the soil in which treason grew, with the Jews of Narbonne worked in as a secondary target, and a corresponding panegyric on the Spanish forces that put the rising down. Fourth, the *Iudicium in tyrannorum perfidia promulgatum*, the judgment promulgated against the treachery of usurpers, written in legal register, naming the rebels, cataloguing their crimes, specifying the penalties they had earned, and summarising the campaign's movements.

Consider what that structure does. It publishes the enemy's own words, which a cruder operation would suppress — because Paul's letter, standing at the head of the file, makes the case against him in his own hand and thereby vouches for everything that follows. Then it gives the narrative. Then it gives the reader the emotional register in which to hold the narrative. Then it converts the whole into a legal finding with named defendants and specified sentences.

That is a complete apparatus: evidence, story, feeling, verdict. It was produced by the man who would shortly become the most powerful churchman in the kingdom, about a war he had watched from close range, and it is one of the very few pieces of historical writing the late Visigothic kingdom produced at all.

The historian who unmade his hero

In 680 Wamba fell ill at Pampliega. He was given the penitential order — the rite administered to the dying — and on recovering found that a penitent could not resume

the throne. Erwig was anointed nine days later. Julian of Toledo has been accused, since the ninth century and by modern historians since, of complicity in the affair.

Whatever the truth of that, the documented sequence is not in dispute. In January 681 Julian presided over the Twelfth Council of Toledo. Among its first acts was to confirm that Wamba's documents of abdication were genuine, to recognise Erwig, to anathematise those who opposed him, and to release the population from laws Wamba had made. The council's own text refers to Wamba in terms of censure. A king who appears in the acts of a Braga synod of his own reign as *piissimo et amatori Christi domino* — most pious lord and lover of Christ — appears in the acts of Toledo XII as a prince whose enactments required undoing.

The author of the epic presided at the erasure. Nine years separate them, as nine years separated Isidore's praise of Suinthila from the council that barred Suinthila's family from communion for ever. It is the same phenomenon and it is worth stating in the same terms: not hypocrisy, but the ordinary operation of a record produced by men whose position determines what they can see and what they can safely write. The *Historia Wambae* was what a rising churchman could write in 675. The acts of 681 were what a metropolitan could write in 681. Both are official. Both are the kingdom's memory of itself.

The archive

The most sophisticated instrument the Visigothic state possessed was not a story. It was a filing system.

From the 630s onward, converted Jews in the kingdom were required to sign. In 637, on the eve of the Sixth Council of Toledo, the former Jews of Toledo were made to swear a *professio* which was incorporated into that council's third canon; its content shows that the signatories were not new converts but people who had reverted and were being brought back. In 654, a month after the Eighth Council, the converts of Toledo swore a *placitum* which was then incorporated into the law code itself, where it survives among the laws of Book XII. Its signatories — including men who had sworn under Chintila sixteen years before — were required to confess that on account of the obstinacy of their ancestral deviation they had not truly believed. In 681, after Erwig's ultimatum, baptised Jews again undertook a formal profession abjuring Judaism.

And then the Twelfth Council ordered that all the acts of abjuration and conversion be conserved.

That instruction is the heart of this module. A signed, dated, retained document, held by the state, recording a named individual's religious status and his family's, available to be produced against him and against his children in any subsequent reign,

by any subsequent king, without any new investigation. The kingdom had no police, no standing garrisons, no registry of persons, and could not subdue the next valley. What it had instead was paper — and paper does something continuous surveillance cannot, which is to persist. A watchman must be paid every year. A *placitum* signed in 654 was still actionable in 694 and cost nothing to keep.

The enforcement provision is the other half, and it is the same move this study found in the formation module. The *placitum* handed the punishment of the apostate — death — to his own kinsmen. Unable to enter the household, the state made the household its enforcer, exactly as it had ordered Jewish children removed to Christian homes because it could not reach them where they were. The community was constituted, by its own signed undertaking, as the instrument of its own supervision.

Who was allowed to speak

Alongside publication and archiving ran a third instrument that the framework does not usually classify as informational, and should.

The Visigothic legal system controlled who could put a fact into the record. Jews and converts of Jewish descent were barred from testifying against Christians. The freedmen of churches, and church slaves raised to the clergy, were barred by canon from accusing or bearing witness against the church that had freed them, on pain of losing their liberty. And the great conscription statute of 673 imposed on defaulters, alongside exile and confiscation, the loss of the capacity to give evidence at all.

Testimonial capacity is not merely a status marker. In a society whose courts ran on oral testimony and whose documentary record was thin, the question of who may be heard is the question of what can become a fact. A population barred from testifying against its neighbours cannot generate a counter-record. An institution that cannot be testified against by the people most likely to know its business has secured something more durable than a favourable verdict: it has secured that the unfavourable evidence never enters the system.

What was said, and what was shown

On 9 November 694 the Seventeenth Council of Toledo opened at Toledo, and King Egica addressed it.

He told the assembled bishops that he had received intelligence: that Jews overseas had risen against their Christian rulers, and that the Jews of his own kingdom were in league with them to destroy the Christian religion. On that basis the council issued its eighth canon. All Jews of the kingdom, with the exception of those in Narbonensis,

were to be stripped of their property and enslaved; their property was to go to their own Christian slaves; they were to be distributed to masters chosen by the king, who were placed under obligation never to permit the practice of Jewish observance again; and their children, from the age of seven, were to be taken from them and raised as Christians.

Set beside that the record.

No evidence is presented in the acts. There is no account of an investigation, no named informant, no captured correspondence, no description of what was found or where. The king says he has heard, and a population is enslaved.

There is a Muslim presence in North Africa by 694, and there is a modern scholarly literature — including a recent study in *Transmediterranean History* — which examines the accusation and finds no independent support for it, treating it instead as the origin point of a durable conspiracy narrative later read backwards into the events of 711 by chroniclers writing centuries afterwards.

And there is one detail in the canon itself which does more work than any external evidence could. The Jews of Narbonensis were exempted. Septimania was the province across the Pyrenees, the one region where the crown's writ was thinnest, and it was where Paul's revolt had begun twenty-one years earlier. A decree that enslaves a population everywhere except in the province where it could not be enforced is a decree whose author knew the limits of his own reach — which is a fact about the state's capacity, stated in the same sentence as its most extreme claim of authority.

The silences

An information module has to account for what is not there, and in this case the absences are patterned.

The Arian archive is gone. A church that held the confession of the ruling people for two centuries, that possessed bishops, buildings, clergy and a Bible in its own language, left no library, no council acts, no liturgical books, no polemic. What survives of Gothic Arianism in Spain is what its opponents said about it. The disappearance is not evidence of a burning — no such order is attested — but it is the shape a defeated institution's record takes when the victor inherits every scriptorium.

Iudila is two coins. Somewhere around 631 to 633 a man claimed the Visigothic throne and struck gold in his own name at Mérida and at Granada. Two tremisses survive. No chronicle mentions him. Without those two objects there would be no reason to think he had ever existed, and the number of claimants who left no coins is unknowable by definition.

Isidore's history survives in two recensions whose relationship and relative dates remain unresolved, so that the kingdom's central historical work cannot be read without the knowledge that somebody, at some point, revised it.

And the acts of the eighteenth council of Toledo, held in 702 or 703, have not survived. The last general council of the Visigothic kingdom, the final meeting of the institution that had been its legislature and its supreme political court for a hundred and fourteen years, is a name and a date.

After that there is almost nothing. The decade before 711 is one of the darkest in the peninsula's documented history, and the first substantial narrative account of the kingdom's end was written around 754, by a Christian working under Muslim rule, more than forty years after the events.

The temptation is to read the darkening as symptomatic — a state losing the capacity to record itself. The discipline of this study forbids it. Records are destroyed by conquests, and the conquest of 711 is a more than sufficient explanation for the loss of documents produced in the years immediately before it. The honest statement is narrower and still useful: **the Visigothic kingdom's own account of its final decade does not exist, and every reconstruction of how it fell is therefore built from sources produced by, or under, the power that replaced it.**

Reading information against the framework

Five findings.

One: the order's only mass-communication channel belonged to the institution it was already borrowing from. Conciliar canons read aloud in every church on a fixed date, with the force of law, reaching a population assembled weekly by a calendar the same institution controlled, is a broadcast system of remarkable reach for the seventh century — and the crown's role in it was to set the agenda in a *tomus* and ratify the result in a confirming law. It supplied neither the drafters nor the transmitters. Taken with the warrant, the formation apparatus and the accumulation of land, this is the fourth department in which the same dependency appears. The general form: **when an order's legitimation, its formation of children, its principal accumulation of wealth and its only means of addressing its population all run through one institution it does not control, the relationship should be scored not as an alliance but as the order's actual constitution.**

Two: a conversion archive is surveillance conducted across time rather than across space, and it is far cheaper. A state that cannot watch a population continuously — no police, no registry, no garrisons — can substitute a signed, dated, retained document. The *professio* of 637, the *placitum* of 654 written into the law code,

the professions of 681, and the Twelfth Council's order that all acts of abjuration and conversion be conserved, together constitute a permanent register of a named population's religious status, actionable by any future king without fresh investigation. A watchman must be paid annually and forgets; an archive costs nothing to keep and does not. **Where an order lacks the capacity for continuous observation, look for the document that makes observation unnecessary — and date the population's real jeopardy from the year the archive was ordered kept, not from the year the persecution began.**

Three: where the state cannot enter the household, it conscripts the household. The *placitum* assigned the killing of apostates to their own kinsmen. This is the same manoeuvre as ordering children removed to Christian homes: a policy aimed at a unit the state cannot penetrate, enforced by making that unit responsible for its own supervision. It should be added to the toolkit as a recognisable signature. **Deputised self-enforcement is the mark of an order legislating for a space its apparatus does not reach, and its presence identifies the boundary of that apparatus more precisely than any account of the state's institutions.**

Four: testimonial capacity is an information variable, not merely a legal status. Barring Jews from testifying against Christians, church freedmen from testifying against their church, and military defaulters from testifying at all, does more than disadvantage those people in litigation. In a system running on oral evidence, it determines what is capable of becoming a fact. The framework should treat rules of testimony as part of the information apparatus and read them accordingly: **whoever is excluded from testimony is excluded from the record, and an institution immunised against the testimony of the people who know its business has purchased something stronger than a favourable court.**

Five, and it is a caution rather than a finding: the failure of an order's record is not automatically evidence of the order's failure. The Visigothic kingdom's documentation thins to almost nothing across its last decade, the acts of its final council are lost, and the first substantial narrative of its fall was composed forty years later under the successor regime. It is tempting, and would be convenient, to read that silence as a symptom. But conquests destroy archives, and this one had a conquest at the end of it. **Where an order's record goes dark shortly before its collapse, the analyst must establish whether the darkness precedes the collapse or was produced by it, and where that cannot be established, must say so and build no argument on the silence.** Everything the next modules say about how this kingdom ended has to be built in the knowledge that the kingdom's own account of it does not exist.

A note on sources. This module rests more heavily on described than on quoted material, and the reason should be stated. The Latin of the *placitum* of 654 (*Liber Iudiciorum* XII.2.17), of the *professio* incorporated into canon 3 of the Sixth Council of Toledo, and of the canons of the Twelfth and Seventeenth Councils of Toledo, is in Zeumer's *Leges Visigothorum* and in the *Collectio Hispana*, neither of which I have had before me for these particular texts; accordingly their contents are summarised and attributed rather than quoted, and no wording is reconstructed. The titles of the four parts of Julian of Toledo's dossier — *Epistola Pauli perfidi*, *Historia Wambae regis*, *Insultatio vilis storici in tyrannidem Galliae*, and *Iudicium in tyrannorum perfidia promulgatum* — are given exactly as transmitted. The description of Wamba as *piissimo et amatori Christi domino* is quoted from the constitutions of the Braga synod of his reign as reported in the Spanish scholarly literature, and is set against the censure of him in the acts of the Twelfth Council of Toledo; I have not had the Braga text itself before me and the phrase is therefore given as reported. The provisions of the Fourth Council of Toledo on the testimonial incapacity of church freedmen and of church slaves raised to the clergy are quoted in that module of this study where the Latin was available and are here referred to in English. Wamba's military law of 1 November 673 is cited for its penalty of testimonial incapacity, from the summaries of its provisions rather than from the Latin.

Julian of Toledo wrote the *Historia Wambae* within roughly eight years of the events, as a partisan of the regime and subsequently of the regime that displaced it; the accusation of his complicity in Wamba's deposition originates with the ninth-century Chronicle of Alfonso III, is not contemporary, and is disputed. The dating of the *Historia* itself, and whether the four parts were composed as a unit, are matters of scholarly argument. Fredegar, Isidore and John of Biclaro are used elsewhere in this study with their interests stated; the Chronicle of 754 is named here only as the earliest substantial narrative of the kingdom's end and is examined properly in a later module.

Modern scholarship paraphrased and credited: Isabel Velázquez on the *tomus regius* and the relation of council, canon and confirming law; Roger Collins and E. A. Thompson on the councils and on Julian; Liubov Chernin on the *placita* and on the constitution of the converts as a supervised community with kin-enforced penalties; the study of the 694 accusation published in *Transmediterranean History* on the absence of independent support for Egica's conspiracy claim and on its later use; the numismatic literature for Iudila's two tremisses. Contested points given as such: Julian's complicity in Wamba's deposition; the relationship between the two recensions of Isidore's *Historia*; the identification of Iudila with any figure censured in the conciliar record; the degree to which the anti-Jewish decrees of 694 were enforced in

practice, which the surviving evidence does not settle and which is likely to have varied by region.

MODULE 8

The One Thing No Man Could Inherit

Elite coordination and the default — why an aristocracy that killed its kings never once attacked the arrangement those kings sat on top of

The received diagnosis

The Visigothic kingdom has been carrying a reputation for a very long time, and it was given to it by outsiders.

Gregory of Tours, bishop in Frankish Gaul, wrote it into his history in the 580s, in the middle of a passage listing four Spanish kings in a row:

> *Sumpserant enim Gothi hanc detestabilem consuetudinem, ut, si quis eis de regibus non placuisset, gladio eum adpeterent, et qui libuisset animo, hunc sibi statuerent regem.*
> *For the Goths had taken up this detestable custom, that if any of their kings did not please them, they would set upon him with the sword, and whoever pleased their fancy, him they would set up as king for themselves.*

Two generations later a Burgundian chronicler, writing of Chindaswinth's seizure of the throne in 642, gave the thing a name. In the rough Latin of his manuscript, the king, *cognetus morbum Gotorum quem de regebus degradandum habebant* — knowing the Gothic disease which they had of degrading their kings — killed two hundred of the leading Goths and five hundred of the middling sort.

Morbus Gothorum. The Gothic disease. It is a good phrase and it has done a great deal of damage, because it explains a structural feature as a national character defect, which is precisely the move this framework exists to refuse. Neither Gregory nor Fredegar was in Spain. Both were writing for courts that had reason to find Gothic instability comforting. And a disease is not an explanation; it is a way of not needing one.

The behaviour was real. What follows is an attempt to say what it actually was.

What was never attacked

Begin with the negative finding, because it is the larger one and it is almost always missed.

Across the hundred and twenty-two years from Reccared's conversion to Roderic's death, the Visigothic elite fought over the throne repeatedly, deposed kings, murdered kings, and rose in arms against kings. In that entire period there is no attempt by anybody to overturn the arrangement the throne sat on top of.

Nobody proposed to redistribute the land. The *antiqua* protecting the Goth's two parts and the Roman's third against disturbance sat in the code of 654 and was still there in the revision of 681, untouched, two hundred and fifty years after the division it protected. The fifty-year prescription was never reopened.

Nobody attacked the Church's position. Not one usurper in the seventh century sought to reduce episcopal wealth, abolish conciliar authority, or repudiate the anathema — even though the anathema was the instrument specifically aimed at usurpers. The reverse happened: every man who took the throne irregularly went straight to a council for ratification.

Nobody proposed a different constitution. Each king revised the law code; none abolished it. Each king convened councils; none suspended them.

And most tellingly, nobody claimed the office on any basis except the one the arrangement recognised. When the *dux* Paul rebelled in Septimania in 673, he did not declare a Gallic secession or proclaim himself something new. He had himself anointed king at Narbonne, using the same rite, with the same oil, that had been used on the man he was rebelling against. When the *dux* Sisebert conspired in 692, his object was to install a man named Suniefred as *king*. When a shadowy claimant called Iudila made his bid around 631, he struck gold coins in the standard royal style, with the standard royal legend, at Mérida and Granada.

Every rebel in this kingdom wanted the chair. Not one of them wanted a different room.

That is a default operating at very close to full strength. Every man with standing — the great proprietor with his *sors*, the bishop with his see and his diocese's third of the offerings, the *comes* of a city, the *gardingus* with his royal gift — held a position that the arrangement protected and that no plausible alternative arrangement would protect better. Each defended his own position; the aggregate of those defences was the arrangement itself; and the arrangement was therefore never in play, no matter how much blood was spilt over who presided at the top of it.

The Visigothic elite coordinated superbly. They coordinated on everything except the succession.

Why the succession was the exception

The reason is not mysterious, and it is not cultural. It was designed, in the sense that it was the joint product of decisions taken by identifiable men solving specific problems, and it can be read off the documents.

First: every position in the hierarchy was secure except the throne.

Land was secure. The division was unchallengeable at law after fifty years and the code forbade posterity to alter what fathers and neighbours had divided. Episcopal office was held for life and, by the Twelfth Council of 681, the metropolitan of Toledo consecrated bishops appointed by the king anywhere in Spain — which made the episcopate a self-perpetuating body with royal input rather than a royal instrument. And from 683 the palatine aristocracy secured its own persons and property in the same way, which we will come to.

The throne was the single exception, and it was made so deliberately. The seventy-fifth canon of 633 laid down that on a king's death the leading men of the people together with the priests should appoint his successor by common counsel — an elective principle, adopted precisely to stop the throne from being seized, and adopted by men who had just watched Suinthila deposed. Twenty years later the Eighth Council took the next step and separated the king's private patrimony from the property of the crown, so that what a man had owned before his accession remained his family's and what he acquired as king passed to his successor in office. The intention was benign and the logic was sound: remove the throne from the property system so that it could not be fought over as an inheritance.

The effect was that the kingdom never belonged to the king, and so he could never leave it to his sons.

Second: the throne was the only position that could destroy the others.

The king could confiscate. Isidore records that Leovigild was the first to increase the exchequer from the plunder of citizens, having beheaded or proscribed whichever of his nobles he judged most powerful. Fredegar's figures for Chindaswinth — two hundred *primates*, five hundred *mediocres* — describe the same instrument at industrial scale, and the Seventh Council of Toledo in 646 ratified his measures and extended the penalties to clergy who helped rebels, sentencing them to permanent penance with communion only at the point of death.

So the arrangement produced this position for a great man: your land is safe, your office is safe, your heirs are safe, your church is safe — against everybody in the world except the one man whose job cannot be inherited and must therefore be competed for at every vacancy.

Third: the two facts compound.

Because the throne could not be inherited, every royal death opened a contest. Because the throne could destroy any other position, losing that contest was not a setback but an extinction event for a family. Therefore the rational move for any magnate at any vacancy was to back a winner early or become one; and the rational move for any new king was to destroy the faction that had backed against him, before it could destroy him.

That is not a disease. It is a correct response, by intelligent men, to an incentive structure their own predecessors had built while trying to solve a different problem. The elective principle of 633 was adopted to prevent violent seizure. It removed the one mechanism — heredity — that makes succession boring, and it replaced it with an open competition whose loser forfeited everything.

The councils as the negotiating table

What makes this case unusually legible is that the renegotiation happened in writing, at eighteen recorded assemblies, over a hundred and fourteen years. The arc is worth setting out, because it shows an aristocracy steadily converting the kingdom's constitutional machinery into a charter of its own security.

633. The bishops underwrite the throne with the strongest sanction they have — anathema on anyone who seizes the kingdom, kills a king, or strips him of power, pronounced and then, in the transmitted text, repeated a second and a third time, with a closing acclamation from clergy and people. And in the same canon they anathematise any future king who rules his people cruelly. The protection is real and it is conditional from the first day.

646. Chindaswinth, having taken the throne by coup, has the Seventh Council toughen the penalties against rebels and extend them to the clergy who assist them.

653. The Eighth Council separates the royal patrimony from the fisc.

681. Erwig, who has come to the throne through the tonsuring of a living predecessor, convenes the Twelfth Council. It confirms his accession, releases the population from Wamba's laws, and anathematises his opponents. It also — and the two facts belong in the same sentence — legislates comprehensively in favour of the nobility and its privileges, while suppressing laws that had restrained violence against slaves. The price of the aristocracy's ratification was paid partly by the aristocracy's slaves.

683. The Thirteenth Council, seventy-seven bishops and twenty-seven palatine officials sitting together, does two things that define the settlement. It grants a general amnesty: the rebels of 673 and their descendants get back their property and their positions, and the pardon is extended to everyone disgraced for the same cause back to

the reign of Chintila — some forty-five years. And its second canon establishes protections for the persons and property of the nobility against royal action, which the king then confirms by giving it the force of civil law, so that the monarchy itself is bound by it. The Spanish literature reaches, not unreasonably, for the language of habeas corpus.

688. Egica asks the Fifteenth Council to release him from the oath he swore to protect Erwig's children, on the ground that he cannot both keep it and do justice to the people whose property Erwig had confiscated. The bishops release him from the oath. They refuse to reverse the canon protecting Erwig's family, telling him it never shielded anyone from just penalties.

That refusal is the default working at its purest. A reigning king asks the assembly to remove a protection; the assembly declines, because the protection is the kind of thing every one of them may need. They are not defending Erwig's children. They are defending the rule.

Where the arrangement broke

The framework's other question is where fracture comes from: a group with standing and means that stops benefiting. This kingdom manufactured such a group, deliberately, by statute, and the date can be given.

In 692 the *dux* Sisebert conspired with a number of nobles to depose Egica and install Suniefred as king. Sisebert was not a provincial malcontent. He was the metropolitan bishop of Toledo — the primate of all Spain, holder of the see that consecrated every bishop in the kingdom, successor of Julian, the man whose office anointed kings.

The institution that issued the warrant had put in a bid for the throne.

The revolt failed. Egica convened the Sixteenth Council in April 693 and opened it with a speech declaring that officials who betrayed the trust of the Gothic people would be driven from office and enslaved to the treasury, their property forfeit to the crown and available for the king to bestow on whomever he wished, the Church not excluded. The rebels were anathematised on the authority of the seventy-fifth canon of 633. On 2 May the bishops excommunicated Sisebert for life and stripped him of his orders, allowing him communion only on his deathbed.

And in the same council came the provision that matters most for what happened eighteen years later: **the descendants of rebels were barred from holding any palatine office.**

Consider what that does in a system where a substantial fraction of successions produce rebels. Each failed rising now generates not merely a set of ruined men but a

set of ruined *lineages* — families that keep their name and, unless separately confiscated, a good deal of their land and their armed following, and that are permanently excluded from the offices through which the arrangement distributes its benefits. The excluded stock grows monotonically. It cannot shrink, because the disqualification is hereditary. And its members retain exactly the two things that make a fracture dangerous: standing and means.

Ten years earlier the Thirteenth Council had gone the other way, unwinding forty-five years of confiscations and restoring rebels' heirs to their positions. The 683 amnesty and the 693 disqualification are the same problem addressed by opposite methods within a decade, which is what a state does when it has not solved a problem and knows it.

The kingdom fell in 711. The chronicler writing under Muslim rule in 754 describes Roderic as having obtained the kingdom *tumultuose*, and later Arabic and Christian traditions, none of them contemporary, tell of the sons of Wittiza and their partisans on the field. Those traditions are late and are examined properly in a later module. But the structural fact needs no chronicle: by 710 the arrangement had been manufacturing permanently excluded noble families for a generation, and had told them in writing that neither they nor their children would ever hold office again.

What the arrangement bought, and from whom

One more feature of this default deserves stating plainly, because it is where the module joins the one on the ordinary man.

The elite bargain was funded downward. The Twelfth Council's legislation in favour of noble privilege came in the same session that suppressed restraints on violence against slaves. The muster statutes required great men to bring their own slaves armed to the king's wars. The church freedmen who were the kingdom's most successful upward movers were bound by canon to a patron who never died and forbidden to testify against her. Every accommodation the magnates and the bishops reached with each other at Toledo was paid for out of the position of people who were not in the room and had no representative there.

That is not incidental to the default; it is how the default was affordable. The arrangement could keep buying the loyalty of everyone with standing precisely because the bill went to those without it, and because — as the cost-column module found — those people's compliance was owed to their lords rather than to the crown and would survive any change at the top.

Which is why, when the top changed catastrophically in 711, the reaction of the great majority of the population of Hispania is invisible in the record. They had never been party to the arrangement. They were the thing it was arranged about.

Reading the default against the framework

Six findings. The first is the one this case was brought in to supply.

One: the default can run at full strength on the structure and at zero on the office, and the two must be scored separately. The Visigothic aristocracy is the standard example of elite coordination failure, and on the succession it plainly was one. But on the arrangement itself the coordination was close to perfect: in a hundred and twenty years of coups, depositions and armed risings, nobody attempted to alter the property settlement, reduce the Church, abolish the code, or claim the throne on any basis but the one the arrangement recognised. Rebels sought anointing, conciliar ratification, and coinage in the standard style — that is, they sought the office's existing legitimacy, and in seeking it they ratified it.

The test to add to the toolkit is simple and it is available in almost every case: **ask what the rebels demanded. If they demanded the office, the default is intact and the instability is confined to the apex. If they demanded a different arrangement, the default has failed and the apex is a symptom.** Applied here it converts the *morbus Gothorum* from a diagnosis into a datum.

Two: an arrangement that secures every position except the top, while making the top the only thing that can threaten the others, has designed its own apex war. In this kingdom land was unchallengeable after fifty years, episcopal office was held for life and filled by a self-perpetuating body, and from 683 the palatine nobility's persons and property were protected against the crown by a canon the king confirmed as civil law. The one position that could not be inherited was the throne, made elective in 633 to prevent seizure and separated from the property system in 653 for the same reason. And the throne was the one office whose holder could confiscate everything anybody else had.

So the incentives at every royal death were: an open contest, no legitimate heir, and extinction for the losing family. **Where positional security is high everywhere below the apex and zero at the apex, expect chronic succession violence and structural stability at the same time — and do not mistake the first for evidence against the second.**

Three: the reforms that produced the instability were adopted to prevent it, by men who could see the problem and not the consequence. The elective canon of 633 was a response to Suinthila's deposition. The separation of patrimony and fisc in

653 was a response to Chindaswinth's attempt to found a dynasty. Both were sensible, both were aimed squarely at the disorder they are usually blamed for, and both removed heredity — which is the mechanism that makes succession boring — without putting anything in its place that could survive a determined magnate. This is the ordinary shape of institutional failure and it should be stated as such: **the men who built the trap were solving the previous crisis, and the field they could see contained the crisis and not the incentive.**

Four: hereditary disqualification of rebels' heirs manufactures the fracture class, and its start date is recoverable. The framework holds that fracture comes from a group with standing and means that has stopped benefiting. Most orders produce such groups by accident. This one produced them by statute, in 693, when the Sixteenth Council barred the descendants of rebels from palatine office in perpetuity. In a system generating rebels at every disputed succession, a hereditary bar creates a stock of excluded lineages that can only grow, that retain land and armed retinues, and that have been told in writing that no future service will restore them. **Where an order legislates hereditary exclusion from office, date the manufacture of its fracture class from that enactment and count forward.** Here the count is eighteen years.

Five: amnesty is a measurement. The Thirteenth Council's restoration in 683 of property and rank to rebels and their descendants, reaching back forty-five years to Chintila's reign, is not merely a gesture of reconciliation. It is a public statement of how much dispossession the system had accumulated and could no longer carry. **The reach-back period of a general amnesty is a direct measure of the stock of unresolved elite grievance, and its issuance marks the point at which that stock became more dangerous than the revenue it represented.** That this kingdom reversed the policy ten years later, and went from amnesty to hereditary exclusion in a decade, is the signature of a state oscillating because it has no solution.

Six: the institution that underwrites the throne will eventually bid for it, and that is the terminal form of the dependency. This study has found the Visigothic crown borrowing its legitimacy, its formation of children, its principal channel to the population, and much of its fiscal architecture from the Church. In 692 the metropolitan of Toledo — primate of all Spain, holder of the office that anointed kings — led a conspiracy to put his own candidate on the throne. He was defrocked and excommunicated for life, and the kingdom went on. But the event should be read for what it demonstrates rather than what it achieved. **An institution with the power to legitimate has, by that fact, the power to legitimate an alternative; where a ruler's warrant is issued by a body he does not control, the endgame is not that the body withdraws the warrant but that it issues one to somebody else.**

A note on sources. Gregory of Tours is quoted exactly from the Latin of the *Libri Historiarum* III.30; Gregory was a Gallo-Roman bishop in the Frankish kingdom, wrote in the 580s, and had every reason to present the Frankish monarchy as the stable alternative. The phrase *morbus Gothorum* is quoted from the chronicle conventionally attributed to Fredegar, IV.82, in the rough orthography of the manuscript tradition as printed in the Devillers and Meyers edition; the author was writing in Burgundy in the mid-seventh century, was hostile to the Visigothic kings, and his figures of two hundred *primates Gothorum* and five hundred *mediocres* are given here as a chronicler's order of magnitude, not a count. The Latin of the seventy-fifth canon of the Fourth Council of Toledo is quoted in an earlier module of this study from the *Collectio Hispana Gallica Augustodunensis*, where the anathema appears three times with a closing acclamation. The description of the palatine assembly — *senioribus cunctis palatii, gardingis omnibus omnique palatino officio, seu etiam adstante exercitu uniuerso, in conspectu gloriosi nostri domni* — is from the *Iudicium in tyrannorum perfidia promulgatum* appended to Julian of Toledo's history, as printed in Hillgarth's edition and quoted in the Portuguese-language scholarship on the *officium palatinum*.

The proceedings of the Seventh (646), Eighth (653), Twelfth (681), Thirteenth (683), Fifteenth (688) and Sixteenth (693) Councils of Toledo are summarised from the conciliar record and the modern literature rather than quoted, because I have not had the Latin of these particular canons before me; a doubtful line is dropped, not guessed. In particular the content of canon 2 of the Thirteenth Council — the protections for the persons and property of the nobility against royal action, confirmed by the king as civil law — is reported from the Spanish scholarly literature, where it is treated as the culmination of a series of such safeguards beginning in 633 and repeatedly re-enacted, the repetition itself being taken as evidence that they were consistently ignored. That inference is the literature's and is adopted here as persuasive rather than proved.

Modern scholarship paraphrased and credited: E. A. Thompson and Roger Collins on the Visigothic monarchy, the councils and the succession; the *Hispania Sacra* study of the councils as a defence of aristocratic interests, from which the account of canon 2 of Toledo XIII and of the principle that the kingdom was never the king's property is taken; the Brazilian and Portuguese work on the *officium palatinum* and the articulation of the Visigothic aristocracy; Damián Fernández on testimony, social hierarchy and state building; Sánchez-Albornoz and the older Spanish tradition on the *gardingi*, whose derivation from a Germanic *comitatus* is contested. Contested points given as such: Fredegar's execution figures; whether Erwig's accession involved poison, as a ninth-century chronicle alleges and contemporaries do not; the identity and even

the existence of Suniefred as a crowned claimant, known from coins and from the conciliar record of Sisebert's conspiracy; and the composition and powers of the *officium palatinum*, on which the evidence is thin and the reconstruction largely inferential.

MODULE 9

And Those Descended From Them

Plurality or foreclosure — the protections that were won, who won them and when, and the ones that were taken away to pay for them

The subscription list

This kingdom is unusually good for the liberty question, because it left the attendance records.

Eighteen general councils met at Toledo between 400 and 702, and their acts close with subscriptions — the names of the men who signed. Set the lists in order and something moves.

At the Third Council in 589 there were seventy-two bishops, with the king present and subscribing. It was a clerical assembly with a royal guest.

By the Eighth Council in 653 there were fifty-two bishops in person and ten by delegation, ten abbots, the archpriest and the *primicerius* of the cathedral — and, for the first time, laymen of the palace sitting as members. At the Ninth in 655, a smaller provincial affair, there were sixteen or seventeen bishops, six abbots, two dignitaries and four counts of the palace. At the Twelfth in 681, thirty-eight bishops, four abbots and five palatine officials. At the Thirteenth in 683, seventy-seven bishops, five abbots, three church dignitaries and twenty-seven palatine functionaries. At the Sixteenth in 693, sixty bishops, five abbots and six counts.

Over roughly a century the great secular aristocracy walked into the room and sat down. And the canons track the walk exactly.

That is the method of this module. Put the subscription list beside the list of what the council enacted, and the liberty question stops being a matter of interpretation. In this kingdom, protections were won by people who were in the room, at moments when the man they were bargaining with needed something, and they were funded by people who were not in the room and had nobody to speak for them.

What was won, and when

The gains are real, and they are not rhetorical. They can be dated, and the dates are the argument.

633, the Fourth Council. Convened by Sisenand, who had taken the throne from Suinthila with Frankish help and needed the arrangement's blessing. The bishops gave

it — and in the seventy-fifth canon they also laid down that the successor to a dead king should be appointed by the leading men of the people together with the priests, in common counsel, and they anathematised, in the same canon, any future king who exercised a most cruel power over the peoples in proud domination, in outrage and crime or in greed. A usurper wanting ratification was handed a constitution in which the throne was elective and the king was answerable.

636, the Fifth Council. Convened by Chintila, whose position was insecure. Its first act was to grant special protection to the persons of the king and his family, and it laid down that the king's descendants had the right to enjoy property justly acquired by him and willed to them. It also settled who could take part in royal elections: the higher nobility with military functions, and the palatine officials. Nobody else.

653, the Eighth Council. Convened by Recceswinth, whose father had taken the throne by coup and killed a great many aristocrats to keep it. It separated the king's private patrimony from the property of the crown.

681, the Twelfth Council. Convened by Erwig, who had become king after Wamba was given the penitential order while insensible and could not resume the throne. It confirmed him. It also, in the assessment of the modern literature, legislated across the board in favour of the nobility and its privileges.

683, the Thirteenth Council. Erwig again, and this is the high-water mark. Its second canon established guarantees for the persons and property of the nobility against the crown, and the king confirmed it by giving it the force of civil law — so that the monarchy was itself bound by the norm. It granted a general amnesty restoring to the rebels of 673 and their descendants their property and their positions, extended to everyone disgraced for the same cause back some forty-five years to Chintila's reign. It condemned confessions extracted under torture. It imposed a maximum term of imprisonment.

Look at the pattern in the convening names. Sisenand: usurper. Chintila: insecure. Recceswinth: son of a man who had massacred the nobility. Erwig: displaced a living predecessor by a canonical trick. **Every substantial extension of protection in this kingdom is dated to a moment when the man granting it needed a ratification he could not compel.** The liberties are receipts.

They were also demanded repeatedly, which the Spanish literature reads — rightly, I think — as evidence that they were repeatedly ignored. A guarantee re-enacted in 633, again in the 630s, again in 681 and again in 683 is a guarantee being broken in the intervals. That does not make it worthless. It makes it a claim that the aggrieved party could keep bringing back to the table, in writing, with the previous enactment in hand.

The day it became more than words

There is a moment when this stops being paper, and it can be dated to 688.

Egica had come to the throne on Erwig's death, having been made to swear two oaths: never to harm Erwig's children, and to do justice to the people. At the Fifteenth Council he put it to the bishops that he could not keep both — that Erwig had confiscated property unjustly, that it was in his children's hands, and that doing justice meant taking it back. He asked to be released from the oath, and he asked the council to reverse the Thirteenth Council's canon protecting Erwig's family.

The bishops released him from the oath. They refused to reverse the canon, telling him that it had never shielded anyone from just penalties.

That is the whole liberty question in one exchange. A reigning king, at the height of his power, asked an assembly to remove a protection, and the assembly declined — not out of affection for Erwig's children, who were nothing to them, but because the protection was the kind of thing any of them might need. **A written liberty becomes a real one at the moment an institution independent of the restrained party enforces it against him, and refuses to be talked out of it.** Before 688 the Thirteenth Council's canon was a canon. After 688 it was a rule.

Three conditions made that possible, and all three were present:

The beneficiaries were in the room. Twenty-seven palatine functionaries had signed the acts of 683.

The enforcing body was not the restrained party. The bishops held their offices for life, filled their own ranks through the metropolitan of Toledo, and owned the largest accumulation of land in the peninsula. A king could not dissolve them.

And there was a sanction he feared. Anathema, pronounced three times in the canon of 633 and invoked against rebels as recently as the year before.

Where any of the three was missing, the protection did not hold. Which brings the module to the other half.

The channel for those outside the room

There was one, and its form tells you everything.

The Fourth Council laid on bishops the duty of protecting the peoples: when they see judges and powerful men to be oppressors of the poor, they are first to rebuke them by priestly admonition, and if these scorn correction, to make their insolence known to the royal ears. The Third Council had likewise called on clergy and civil magistrates to unite in abolishing abuses, and had prescribed an annual provincial synod at which such things could be raised.

That is an advocacy channel, and it was probably used, and men were probably saved by it. But note what it is not. It creates no right in the oppressed man. He cannot invoke it; he cannot compel his bishop to act; there is no penalty on a bishop who does nothing; and the remedy at the end of it is that somebody mentions his case to the king. Compare the second canon of 683, which binds the crown itself and was confirmed as civil law.

The difference is not one of degree. The nobility got a rule. The poor got an intercessor. **A protection drafted for people who are not in the room takes the form of a duty on somebody else rather than a right in the person protected — and that grammatical difference is the whole difference between a liberty and a favour.**

One corporation did secure a genuine immunity from the state apparatus: the clergy themselves. The Third Council forbade clerics to proceed against other clerics before lay judges. That is exemption from the ordinary courts, won by the only body in the kingdom that could enforce its own claim.

What was taken away

Now the other ledger, because in this case it is the longer one.

The slaves. The Twelfth Council of 681, in the same sitting that legislated so comprehensively for noble privilege, suppressed laws that had restrained violence against slaves. The Sixteenth Council of 693 restored the prohibition on mutilating them. Twelve years, out and back — and in the interval the only people affected were people whose interests appeared at the council solely as a line in somebody else's bargain. The restoration in 693 came from a king who was at that moment trying to break the nobility after Sisebert's conspiracy, which is to say that the slaves' protection returned as a by-product of a fight between the parties above them, exactly as it had been removed.

The Arian church. Abolished in 589, its bishops absorbed, its buildings transferred to the Catholic bishops of their dioceses.

Roman law. In 654 Recceswinth forbade the use of any law but his code, and the Breviary of Alaric, which had governed the Hispano-Roman population for a hundred and forty-eight years, ceased to be citable.

The descendants of rebels. In 693 the Sixteenth Council barred them from holding any palatine office — a hereditary exclusion, created by the same body that had granted the nobility's charter ten years earlier, and aimed at the losing faction of the elite's own quarrels.

And the Jews. This is the long one, and it is the module's centre, because it shows the mechanism of loss running with the same regularity as the mechanism of gain.

Begin where the landscape began. Around the year 300, at Elvira in Baetica, Spanish bishops forbade Christian landowners to have their crops blessed by Jews, forbade Christians to eat with Jews, and forbade Christian girls to be given in marriage to them. Those canons are evidence of a Jewish population old enough, settled enough and respected enough that Christian farmers wanted its blessing on the harvest.

Three centuries later, around 613, King Sisebut ordered the Jews of the kingdom to accept baptism. Isidore, who admired him, wrote that he had zeal but not according to knowledge, *potestate enim compulit quos provocare fidei ratione oportuit* — for he compelled by power those whom he ought to have summoned by the reasoning of the faith.

In 633 the Fourth Council addressed what he had done, and produced the two-part formula: force is henceforth to be applied to no one, for such are not saved unwilling but willing — and those already forced must be compelled to keep the faith they took under duress. In the same council, the sixtieth canon ordered the sons and daughters of Jews separated from their parents.

And in the sixty-fifth canon, this:

> *Praecipiente domino atque excellentissimo Sisenando rege id constituit sanctum concilium, ut iudaei aut hi qui ex iudaeis sunt, officia publica nullatenus adpetant, quia sub hac occasione christianis iniuriam faciunt: ideoque iudices provinciarum cum sacerdotibus eorum subreptiones fraudulenter relictas suspendant, et officia publica eos agere non permittant.*
> *At the command of our lord and most excellent king Sisenand, the holy council has established this: that Jews, or those who are descended from Jews, shall by no means seek public offices, because under this pretext they do injury to Christians; and therefore let the judges of the provinces, together with the priests, suspend the fraudulent evasions left open to them, and not permit them to hold public offices.*

Iudaei aut hi qui ex iudaeis sunt. Jews, or those who are descended from Jews.

Read that clause against the canon printed eight numbers earlier in the same acts. The council had just ruled that converts baptised under duress must be held to their baptism — that they were, in law and in sacrament, Christians, joined to the divine mysteries, anointed with chrism, partakers of the body and blood. And now it rules that the disability follows the blood rather than the belief. Conversion was demanded, enforced, and made insufficient in the same document.

That is the sharpest form of foreclosure available to any order: a door that is opened by compulsion, and a wall built behind it. It removes the exit. There is nothing the

excluded person can do — he has already done the thing that was demanded — and nothing his children can do, because the bar descends.

The rest follows over sixty years, and every step was taken at a council. In 637 the converts of Toledo were made to swear a *professio* written into the acts. In 654 they swore a *placitum* written into the law code, confessing that they had not previously believed. In 681 Erwig brought twenty-eight new laws against them, ordered the canons concerning them read aloud in every church of the kingdom, and had all the acts of abjuration and conversion preserved. In 693 Egica exempted converts from tax and shifted the burden onto the unconverted. In 694 he told the Seventeenth Council that he had heard of a conspiracy, and the council decreed that the Jews of the kingdom — save those in Narbonensis, where the crown could not enforce it — should be stripped of their property, enslaved, distributed to masters of the king's choosing, and separated from their children at the age of seven.

Now put that sequence beside the other one. The councils of 633, 636, 653, 681 and 683 extended protection to the nobility. The councils of 633, 637, 654, 681, 693 and 694 stripped it from the Jews. Four of those years appear on both lists. In 681, in a single session, the aristocracy gained privileges, the slaves lost a protection, and twenty-eight laws were enacted against a population with no one present to answer for it.

The concessions to the inside were funded by foreclosures on the outside, and they appear in the same acts, on the same days, subscribed by the same names.

Was anyone let in

The framework's specific question is whether anyone below the nobility ever crossed the line, and here the answer is narrow but real.

Church slaves could be manumitted and ordained. A man born the property of a bishopric could become a priest — literate, respected, with authority over free men. That is a genuine passage from the bottom of the society into a lettered order, and it happened often enough for the councils to legislate about it repeatedly. It arose from no factional fight; it arose because the Church needed clergy and had slaves.

And the price was stated in the same canons. Such a man had to be freed first, because a bishop's slave could not be ordained while a master's claim remained — *ne quando voluerint eorum domini, fiant ex clericis servi*, lest when their masters wished it, they should become slaves out of clerics. Whatever came to him by liberty, inheritance or benefit reverted to the church rather than passing to any outsider. He could not accuse or testify against the church that had freed him. And as one of the church's freedmen he could never leave its patronage, nor could his children, because — as the canon says in giving its reason — their patroness never dies.

The door was there. It opened into a room with no other exit.

The larger admission in this kingdom's history happened at the top: the fusion of the Gothic and Hispano-Roman elites, begun when Leovigild struck out the inherited Roman prohibition on intermarriage, completed when Recceswinth abolished dual law. By 673 a man named Paul could be *dux* of Septimania and have himself anointed king. But that was one elite absorbing another, which is the cheapest admission an order can make, and it cost the people below nothing and gained them nothing.

Reading liberty against the framework

Six findings.

One: liberty tracks representation in the drafting body, and where subscription lists survive the correlation can be read directly. This is the module's method and it is transferable. Set the attendance record of the assembly beside the enactments of the same session. In Visigothic Spain every protection that held was written by men who would benefit from it and who had signed the acts; every protection written for people not in the room took the weaker grammatical form of a duty on a third party, or was reversed within a decade. **Where an assembly's membership is recorded, the membership predicts the enactments, and a protection whose beneficiaries are absent from the subscription list should be scored as advisory until proved otherwise.**

Two: concessions are receipts for ratification, so date them to the successions. Every major extension of protection in this kingdom came from a king who needed the arrangement's blessing and could not compel it: Sisenand the usurper in 633, the insecure Chintila in 636, Recceswinth in 653 in the shadow of his father's massacres, Erwig in 681 and 683 after removing a living predecessor by canonical trick. None of it came from a strong king in a settled reign. **Liberties in an order of this kind are priced at the moment of maximum apex weakness, and the analyst should look for them at irregular accessions rather than in periods of prosperity or reform.**

Three: a written liberty becomes a real one at the moment an independent institution enforces it against the party it restrains — and that moment is datable. In 688 the bishops of the Fifteenth Council refused a reigning king's demand to repeal the canon protecting his predecessor's family. Three conditions made the refusal possible: the beneficiaries were in the room, the enforcing body could not be dissolved by the party restrained, and there was a sanction that party feared. **Where any of the three is absent, expect the protection to be honoured at the convenience of the strong; where all three are present, mark the first successful refusal as the date the liberty became operative.**

Four: the grammar of a protection tells you who it is for. The nobility received a canon binding the crown, confirmed as civil law. The poor received a duty laid on bishops to rebuke oppressive judges and, failing that, to mention it to the king. One creates a rule; the other creates an intercessor. **A protection expressed as an obligation on a third party rather than as a right in the protected person is a favour with the vocabulary of a liberty, and the distinction is visible in the sentence structure before any question of enforcement arises.**

Five: liberties gained on the inside are commonly funded by liberties destroyed on the outside, and the two transactions appear in the same document. The single session of 681 raised noble privilege, suppressed restraints on violence against slaves, and enacted twenty-eight laws against Jews. This is not coincidence and it is not merely simultaneous; it is the settlement of an account. **When examining any extension of protection, read the whole session for the corresponding subtraction, and expect to find it applied to a group that had no subscriber present.**

Six: the sharpest foreclosure available to an order is admission on demand combined with hereditary exclusion, because it removes the exit. The Fourth Council held that Jews forcibly baptised must be compelled to keep the faith they had taken by duress — and then barred from public office not only Jews but *hi qui ex iudaeis sunt*, those descended from Jews. The demanded act was performed and declared insufficient, and the insufficiency was made heritable. Nothing the excluded person can do will alter his position, and nothing his children can do will alter theirs.

Offered to the framework as a general instrument: **where an order compels a population to cross a boundary and then attaches the disability to descent rather than to the crossed condition, it has converted a religious or political category into a caste, and should be expected to require permanent surveillance of that caste thereafter.** The Visigothic state did exactly that, keeping signed abjurations on file for four reigns — which is what a state must do once it has defined a population by ancestry rather than by conduct, since conduct can be observed and ancestry can only be recorded.

A note on sources. Canon 65 of the Fourth Council of Toledo is quoted exactly from the Latin as printed in J. Vives, *Concilios visigóticos e hispano-romanos* (Barcelona and Madrid, 1963), p. 213, and reproduced in the RELMIN corpus. Canons 32, 57, 59, 60, 70, 71, 73 and 74 of the same council are quoted or cited in earlier modules of this study from the Latin of the *Collectio Hispana Gallica Augustodunensis*; canon numbering varies by one or two between manuscript families and printed editions. Isidore of Seville's judgement on Sisebut is from the *Historia Gothorum*, chapter 60, in the Migne-based Latin. The canons of Elvira are quoted in the opening landscape of

this study, with the caution that Maurice Meigne's argument confines the original council to canons 1 to 21, so that the canons concerning Jews may belong to a later fourth-century Hispanic collection.

The attendance figures for the several councils are taken from the conciliar record as reported in the standard reference literature: seventy-two bishops at Toledo III in 589; sixty-two or sixty-six bishops at Toledo IV in 633, where the acts' own heading and its subscription list do not agree and the discrepancy is in the source; twenty-two bishops and two episcopal representatives at Toledo V in 636; fifty-two bishops in person and ten by delegation, with ten abbots, at Toledo VIII in 653; sixteen or seventeen bishops, six abbots, two dignitaries and four counts of the palace at Toledo IX in 655; thirty-eight bishops, four abbots and five palatine officials at Toledo XII in 681; seventy-seven bishops, five abbots, three church dignitaries and twenty-seven palatine functionaries at Toledo XIII in 683; sixty bishops, five abbots and six counts at Toledo XVI in 693. The point drawn from the series — the entry and growth of a lay aristocratic contingent — is secure even where individual figures are uncertain.

The contents of canon 2 of the Thirteenth Council, of the Fifth Council's provisions on royal elections and royal property, of the Eighth Council's separation of patrimony and fisc, of the Twelfth Council's general tendency in favour of noble privilege and its suppression of restraints on violence against slaves, of the Sixteenth Council's restoration of the prohibition on mutilating slaves and its bar on the descendants of rebels, and of the Fifteenth Council's refusal to reverse the protection of Erwig's family, are all summarised from the conciliar record and the modern literature rather than quoted, because I have not had the Latin of these particular canons before me. A doubtful line is dropped, not guessed. The inference that the repeated re-enactment of aristocratic guarantees from 633 onward is evidence of their being repeatedly ignored is the Spanish literature's and is adopted here as persuasive rather than proved.

Modern scholarship paraphrased and credited: Rachel Stocking on bishops, councils and consensus in the Visigothic kingdom; E. A. Thompson and Roger Collins throughout; the *Hispania Sacra* study of the councils as a defence of aristocratic interests, from which the account of canon 2 of Toledo XIII and of the principle that the kingdom was never the king's property is drawn; Damián Fernández on testimony and social hierarchy; the RELMIN project for the texts and transmission of the Visigothic legislation concerning Jews. Contested points given as such: the degree of enforcement of any of these provisions, for which direct evidence is almost entirely lacking; the reach and effect of the decrees of 694, which the surviving evidence does not settle and which is likely to have varied sharply by region; and the identity of Paul,

whose name suggests but does not establish Hispano-Roman rather than Gothic descent.

MODULE 10

The Army That Came With Him

Change and collapse — a fracture the state had legislated into being, a conquest that arrived into it, and a population that was not consulted

Fifteen months

In the spring of 711 a force crossed from North Africa into the southern tip of the Iberian peninsula. In the summer it met the Visigothic king in the field and destroyed his army. By 713 the greater part of the peninsula was under new authority, the tax registers were being rewritten, and a Visigothic count in the south-east was signing a treaty in Arabic that let him keep his cities.

Musa ibn Nusayr, the commander who followed the first force across, spent fifteen months in Spain before returning to Damascus with the captured nobility, the gold and the ornaments. Fifteen months.

A kingdom that had stood for three centuries, that had a law code, eighteen national councils, a coinage, an episcopate spanning the peninsula, and — on the arithmetic of its own historian — the first unified rule of all Hispania in recorded history, ended in a period shorter than one campaigning cycle of its own northern wars.

The question this module has to answer is how. And the answer has to be built with unusual care, because the record for these years is the thinnest in this entire study, and almost everything the popular account contains was written centuries later.

The only witness

There is one near-contemporary narrative and it must carry the weight.

The Chronicle of 754 — also called the Mozarabic Chronicle — was written in Latin, in the peninsula, by an anonymous Christian living under Muslim rule, some forty years after the events. He is a partisan Catholic; he laments the fall of Spain in a famous passage comparing it to Troy, Jerusalem, Babylon and Rome, and says that if all his limbs were turned to tongues human nature could still not tell of the ruin. He is hostile to Jews. He is careful about chronology, cites variant reckonings, and notes where his sources disagree — which for a writer of his period is a considerable recommendation.

He says two things about 711 that govern everything else.

The first concerns how Roderic became king. In the chronicler's account Roderic seized the kingdom amid disturbance, at the urging of the senate — the assembly of magnates and palace officials that the framework of the kingdom recognised as the electoral body. Not a peaceful succession. Not an uncontested one.

The second concerns the battle. Roderic met the invaders at a place the chronicler calls the Transductine promontories, and fell there — and, the chronicler adds, the whole army of the Goths that had come with him was routed, having come with him fraudulently, out of ambition for the kingdom. The rivals were killed, and Roderic, in the chronicler's phrase, lost the kingdom along with the country.

That is not a later legend. It is the earliest surviving account, written by a man who had every reason to blame the invaders and instead recorded that the Gothic army came to the field intending its own king's ruin.

He says the same thing again a few lines on, describing Spain as being torn apart in those months not only by external attack but by *furor intestinus* — fury within.

The fracture, and where it was made

Trace that fury backwards and the trail runs to legislation.

Two modules ago this study found the Visigothic order manufacturing its own fracture class by statute. In 693, after the *dux* Sisebert — metropolitan of Toledo, primate of all Spain — conspired to install a rival king, Egica had the Sixteenth Council declare that officials who betrayed the trust of the Gothic people would lose their offices, be enslaved to the treasury, and forfeit their property to the crown, which might bestow it on whomever it wished. And it barred the descendants of rebels from holding any palatine office.

A hereditary exclusion, in a kingdom where a substantial fraction of successions produced rebels.

What happened next is recorded by the chronicler, and it is the strongest confirmation the finding could have received. Egica's son Wittiza, on succeeding, spent his reign undoing it. The chronicler is unusually warm about him. He received back into favour those his father had condemned to exile and was generous in restoring them to their homes; he brought back to their former standing those his father had oppressed with the heavy yoke; he restored to their own soil those his father had disinherited, and made them compensation out of his own liberality. And then, with everyone assembled and in the sight of all, he publicly burned the bonds his father had extorted — declaring the debtors free of obligations that could never have been paid — and made reparation to the palace office out of his own property and out of what had been taken into the public treasury.

A king burning his father's bonds in public, in front of the assembled aristocracy, and paying compensation from his personal estate.

That is not the act of a monarch tidying up an administrative irregularity. It is a king in serious trouble buying back a faction, at his own expense, in a public ceremony designed to be remembered. Wittiza could see, in about 702, exactly what the previous module reconstructs from the statutes: that his father had created a permanently excluded body of noble families with land, arms and no route back, and that it had to be bought off.

He was still doing it when he died, around 710. And then Roderic took the throne amid disturbance at the urging of the senate, and everything Wittiza had spent his reign purchasing was reversed in a single succession — because now Wittiza's own faction, and his sons, were the ones outside.

Eighteen years from the statute to the battlefield. When Roderic rode south in 711, the men behind him included families who had been stripped by Egica, restored by Wittiza, and dispossessed again by Roderic, within living memory, twice.

The chronicler says they came with him out of ambition for the kingdom. There is no need to reach for a more exotic explanation.

What the record does not contain

Before going further it is worth stating plainly what is absent, because the absence is the finding rather than a gap.

There is no peasant rising in 711. There is none in 710, none in 712, none in any year of the conquest. The chronicler, who is detailed and emotional and inclined to see God's judgement in events, records cities that made terms under coercion, cities that repudiated the terms and fled to the mountains to face hunger and death, nobles hanged at Toledo, a metropolitan who abandoned his see and sailed for Rome. He records no movement of the common people in any direction — not a rising against the Goths, not a rising against the invaders, not a defection, not a levy.

They are not there because they were never party to it. This study has established what their position was: a settlement that operated at exactly one social stratum and left the labouring majority neither compensated nor dispossessed; coercion administered by private landlords under a law the crown wrote and rarely enforced; a state with no garrisons, no registry and no police, whose money was struck in a denomination no ordinary person handled; three exits, all of which led sideways into another patron's protection. The ordinary man of Visigothic Spain owed his compliance to his lord, and his lord was still going to be there on the morning after.

The framework's rule holds here without qualification. A functioning floor of force is not overthrown by its own population, and this population did not try. What ended the Visigothic kingdom was one apex being beaten in the field by another, while a third of its own aristocracy declined to fight for it.

The pact

The proof that the arrangement survived the apex is a document, and it is the most valuable single object in this module.

In the month of Rajab in the year 94 of the Hijra — April 713 — a Visigothic magnate named Theodemir, whom the Arabic sources call Tudmir, concluded a treaty with Abd al-Aziz, son of Musa and governor of the newly conquered province. The Arabic text survives in later compilers, in variant versions. In substance it runs:

> *This is the agreement of Abd al-Aziz ibn Musa with Tudmir ibn Ghandaris, that he has come to terms. He has the covenant of God and His protection and the protection of His Prophet. He shall not be removed from his authority, and he and his companions shall not be harmed or taken captive, nor shall they be separated from their women and children; they shall not be killed, their churches shall not be burned, and they shall not be compelled in their religion. His terms cover seven towns — Orihuela, Mula, Lorca, Valentila, Alicante, Elche and Iyyuh. He shall not shelter a fugitive we seek, nor give refuge to an enemy of ours, nor conceal from us news he has learned. Upon him and his companions is the jizya: from every free man, one dinar, four measures of wheat, four of barley, four of vinegar, two of honey and one of oil; and from every slave, half of that.*

Consider what that document is.

Theodemir was not a marginal figure. The chronicler of 754 records that he had inflicted considerable slaughter on the Arabs in parts of Spain before coming to terms, and that under Egica and Wittiza he had beaten off Byzantine forces that came against the coast by sea. He was a serving Visigothic commander with a military record, and the Christians of the East, the chronicler says, sought him out for his trustworthiness and eloquence.

In 713 he kept his authority, his seven towns, his companions, his churches, his religion and his people. What changed was the address to which he sent the revenue, and the schedule by which it was assessed.

A dinar and four measures of wheat.

The arrangement did not fall in 711. It changed apex, and the men who held the second stratum negotiated the terms of their own continuation, in writing, within

twenty-two months of the battle. The chronicler adds that Theodemir later travelled east, that the pact he had received from Abd al-Aziz was confirmed to him by the Commander of the Faithful himself, that he was found more prudent than others and honoured as a useful man, and that he returned to Spain rejoicing.

The register survives the kingdom

The continuity is legible in the administration, and the chronicler — writing under the new order and in a position to know — describes it in detail.

Abd al-Aziz, he says, brought all Spain under the tributary yoke over three years. His successors continued the work: al-Hurr organised further Spain by putting the tax system in place, then came to nearer Spain and did the same. And al-Samh, who governed for just under three years, wrote a description of further and nearer Iberia with his own pen for the purpose of collecting taxes, divided the undistributed movable booty among the troops by lot, and assigned a share of every movable and immovable thing to the treasury.

A written cadastral survey of the peninsula, made for revenue purposes, within a decade of the conquest. Whatever the fiscal machinery of the Visigothic kingdom had been — and this study found it small, gold-only, decayed and twice formally forgiven in the 680s and 690s — its successor immediately set about registering the same land and the same producers.

And the landholding elite persisted. The chronicler records that after Theodemir's death a man he calls Athanagild was held in great honour and esteem, a most opulent lord of all things and a great dispenser of money; that a governor later fined him twenty-seven thousand *solidi*; and that within about three days he and his people had assembled everything and paid it. A Gothic noble, a generation after the conquest, wealthy enough to raise twenty-seven thousand gold pieces at three days' notice.

The estates did not change hands. The men on them did not change. The labour did not change. The apex changed, the confession at the top changed, and the tax schedule changed.

What we do not know, and must not pretend to

The popular account of 711 contains a great deal that this study cannot use, and the honest thing is to name it.

The story of Count Julian of Ceuta, whose daughter Roderic is said to have violated and who opened the strait in revenge, does not appear in any source of the eighth century. Neither does the tale that Bishop Oppa, son of Wittiza, betrayed the Goths on

the field. That last comes from the Chronicle of Alfonso III, written in the Asturian kingdom in the ninth century, at a distance of some hundred and seventy years, by a court with a strong interest in establishing that the Visigothic kingdom fell through the wickedness of a particular family and that legitimate succession had passed elsewhere.

The Chronicle of 754 does mention Oppa, son of King Egica, and its sentence is worth quoting because the manuscript variants change its meaning:

> *nonnullos seniores nobiles viros, qui utcumque remanserant, per Oppam filium Egiche regis a Toleto fugam arripientes gladio patibuli iugulat et per eius occasionem cunctos ense detruncat.*
> *Some of the senior noblemen who still remained, seeking flight from Toledo by means of Oppa son of King Egica, he [Musa] put to death by the sword of the gallows, and on that account cut down all of them with the sword.*

The participle *arripientes* is plural and agrees with the nobles, giving the sense above: the nobles sought escape through Oppa and were killed for it. A variant reads *arripientem*, singular, agreeing with Oppa, giving the sense that Oppa procured his own flight and the nobles were punished for allowing it. On neither reading is Oppa a collaborator handing nobles to Musa — a reading that cannot account for the word *occasionem*, and that in any case would leave no reason for Oppa to be fleeing Toledo at all.

The treachery of Oppa, in other words, is a ninth-century addition to an eighth-century sentence that says something different.

The size of the invading force is likewise not securely known. The figures usually cited — seven thousand under Tariq, with five thousand in reinforcement — come from Arabic compilations written well after the fact, of which the *Akhbar Majmua* is the most quoted and the most disputed in its dating. The claim in some of that literature that the invaders left Jewish inhabitants to garrison captured towns is from the same body of late material and should be handled with the same caution, particularly given that Egica had accused the Jews of exactly such a conspiracy in 694, seventeen years before there was one to be had.

What can be said is narrow. A force came across, it was not large, it beat the Visigothic field army once, and the kingdom did not produce a second one.

Reading collapse against the framework

Five findings.

One: two of the four cracks operated here at once, and the fracture was legislated. The framework holds that structural change comes from elite fracture, elite

exhaustion, conquest by a rival elite, or elite overproduction — never from below. This case is a conquest that arrived into a fracture, and the fracture's origin is documented in statute rather than inferred.

The sequence is: 693, hereditary exclusion of rebels' descendants from office; c. 702–710, a king spending his reign publicly buying that faction back, burning his father's bonds before the assembled aristocracy and compensating the dispossessed from his own estate; 710, a disputed accession that reverses it again; 711, an army that comes to the field, in the earliest witness's account, out of ambition for the kingdom, and is routed with its king.

The general form worth carrying: **where an order legislates hereditary exclusion, the fracture it creates does not decay, and a successor's attempt to buy it back is itself the diagnostic — a ruler who spends his own patrimony reversing his predecessor's proscriptions has measured the danger and is telling the analyst its size.** Wittiza's public bonfire is worth more as evidence than any chronicler's opinion.

Two: the speed of a conquest measures the depth of the settlement it replaces. A settlement that reaches one stratum can be replaced one stratum deep. The invaders of 711 did not have to defeat a society; they had to defeat a field army and then re-offer the existing arrangement to the men who held the land. Within twenty-two months a serving Visigothic commander had that offer in writing: keep your authority, your towns, your churches, your people, your religion; pay a dinar and four measures of wheat per free man, half for a slave.

Where the settlement engages only the proprietorial class, conquest is cheap and fast, because the conqueror's task reduces to beating one army and renewing one bargain — and the treaty that renews it will be found, in writing, within a very few years of the battle. Conversely, an order whose settlement reaches deep will take a conqueror decades, because there is no single stratum whose acquiescence delivers the country.

Three: the absence of the people from the record is data, not silence. The Chronicle of 754 is detailed, emotional and observant, and it contains no popular movement in any direction across the conquest years. That is what this study predicted from the settlement, from the cost column and from the extraction: a population whose ledger was owed to landlords rather than to the crown had no stake in which crown sat at Toledo, and behaved accordingly. **A change of apex that leaves the intermediate stratum in place is, for the great majority, a change in the tax schedule — and the correct expectation is not resistance and not welcome but absence from the record.**

Four: the fiscal register is the thing that survives the state, and its rewriting dates the succession of one order by another more precisely than any battle. Within a decade of 711 a governor had written a description of nearer and further Iberia with his own pen for the purpose of collecting taxes, and his predecessor and successor were putting the tax system in place province by province. The Visigothic crown had twice formally cancelled arrears it could not collect, in 683 and 691. Its successor immediately surveyed the same ground. **Where an order falls, look for the first cadastral survey of the new regime: it marks the point at which the conquest became a government, and its speed measures how much of the previous fiscal architecture was still usable.**

Five, and it is a discipline rather than a finding: this is the module where the sources are worst, and the temptation to fill the gap is strongest. Almost everything vivid in the popular account of 711 — the outraged daughter, the treacherous bishop, the count who opened the strait — enters the record in the ninth century or later, produced by courts with an interest in establishing that the kingdom fell through a specific family's wickedness and that legitimate succession had passed to them. The eighth-century sentence about Oppa says something different from what the ninth century made of it, and its meaning turns on whether a participle is singular or plural.

Where an order's own record goes dark before its fall and the surviving narrative was written by or under its successor, the analyst's obligation is to build only what the earliest witness supports, to mark the manuscript variants where they change the sense, and to leave the vivid material out. What the earliest witness supports here is sufficient and is not vivid: a disputed accession, an army that came out of ambition, one lost battle, a treaty, and a tax survey.

A note on sources. The Chronicle of 754, also called the Mozarabic Chronicle or *Continuatio Hispana*, is the only near-contemporary narrative of the events described and this module rests principally on it. Its author was an anonymous Christian writing in Latin in al-Andalus about forty years after the conquest; he is a committed Catholic partisan, laments the fall of Spain at length, is hostile to Jews, and is nonetheless careful with chronology and open about variant reckonings. The standard Latin text is Mommsen's, in *MGH Auctores antiquissimi* XI, *Chronica minora* II (Berlin, 1894); the modern critical edition and Spanish translation is J. E. López Pereira's (Zaragoza 1980, revised León 2009), and the standard English translation is Kenneth Baxter Wolf's. The Latin sentence concerning Oppa is quoted exactly, with its manuscript variants *arripientes* and *arripientem* noted, since the two readings change the sense; the analysis of those variants follows Aymenn Jawad Al-Tamimi's commentary on his translation of

the chronicle, which is credited rather than quoted. The phrase *furor intestinus* is likewise the chronicler's. The chronicler's statements about Roderic's accession, the desertion of the Gothic army, Wittiza's restoration of the exiled and burning of his father's bonds, Sinderedus's flight to Rome, Theodemir's career and later confirmation of his pact, Athanagild's fine of twenty-seven thousand *solidi*, and the tax arrangements of Abd al-Aziz, al-Hurr and al-Samh are summarised from the translation rather than quoted in Latin, because I have not had Mommsen's text before me in full and a doubtful line is dropped, not guessed.

The Pact of Tudmir survives only in Arabic, in later compilations, in variant recensions that differ in the list of towns and in some of the terms; it is dated in the text to Rajab 94 AH, corresponding to April 713. The version given here is a translation, and readers should note that the identification of some of the seven towns is disputed. No Arabic original was before me and the text is therefore presented as reported.

Late and unusable material named as such: the Chronicle of Alfonso III, composed in the Asturian kingdom in the ninth century, some hundred and seventy years after the events, is the origin of the account of Bishop Oppa's treachery and had an evident dynastic interest in attributing the fall to the family of Wittiza. The legend of Count Julian and his daughter appears in no eighth-century source. The figures for the invading force, usually given as seven thousand with five thousand in reinforcement, derive from Arabic compilations of much later date, of which the *Akhbar Majmua* is the most frequently cited and whose own dating is strongly disputed; the same body of material is the source for the claim that Jewish inhabitants were left to garrison captured towns, and it is registered here as reported rather than established.

Modern scholarship paraphrased and credited: Roger Collins on the Arab conquest of Spain and on the chronicle tradition; Ann Christys on Christians in al-Andalus; the current Spanish literature on the sources for 711, including the critique of both the nationalist "loss of Spain" framing and the negationist position that would detach the origins of al-Andalus from a conquest. Contested throughout: the location of the Transductine promontories; the size and composition of the invading force; the extent to which Wittiza's sons formed an identifiable faction in 711, which the earliest source implies but does not state.

MODULE 11

A Hundred and Forty Years of Peace

The grim accounting — what the sword took, what the land took back, and why almost none of it was counted

The sentence to be tested

Writing around 754, some forty years after the Visigothic kingdom ended, a Christian in al-Andalus summed it up. The kingdom, he says, was long-lasting and endured with stability, and from the time of Leovigild it had held the Spanish lands *peacefully* for a period of some hundred and forty years, down to the year of the conquest.

He is not a friendly witness to the new order. He laments the fall of Spain at length, compares its sufferings to those of Troy and Jerusalem and Babylon and Rome, and says that if every limb were turned to a tongue human nature could still not tell of the ruin. When he says the Gothic centuries were peaceful, he is not flattering anybody.

This module sets that sentence against the ledger.

The hundred and forty years he calls peaceful begin with Leovigild. They contain eighteen consecutive campaigning seasons of conquest inside the peninsula; a civil war in which a king besieged, captured and killed his own son; the extinction of a kingdom that had stood for a hundred and seventy-seven years; the annihilation of a Gothic army to the last man on an African beach; a purge in which, on the only figure we have, seven hundred noblemen were executed; seventy-two years of war against the eastern empire; six reigns of campaigning in the northern mountains that produced nothing but campaigns; at least seven kings violently removed; a rebellion in Gaul crushed and its leaders publicly mutilated; the forced baptism of an entire religious population and, at the end, the decreed enslavement of that population and the removal of its children from the age of seven.

And a chronicler forty years later, who hated what replaced it, remembered peace.

What can be counted

Very little, and that is the first finding.

The Visigothic state produced no body counts. It legislated at enormous length — a code of twelve books, eighteen national councils, hundreds of canons — and in all of it there is not one enumeration of the dead, the flogged, the enslaved or the exiled. No

king boasted of numbers. No monument recorded them. No chronicler of the kingdom's own tallied them.

The single figure that survives comes from outside. The Frankish chronicler conventionally called Fredegar, hostile and writing at a distance, says that Chindaswinth, knowing the Gothic disease of deposing kings, killed two hundred *primates Gothorum* and five hundred of the *mediocres*, with others exiled and their property confiscated. Seven hundred men, in round numbers, from a foreign source with an interest in Gothic disorder. It is corroborated only indirectly, by the Seventh Council of Toledo's ratification of his measures in 646.

That is the whole of the numerical record for three centuries.

Everything else has to be counted in kinds rather than quantities.

Peoples ended. In 416 to 418, fighting under Roman contract, Wallia's Goths destroyed the Siling Vandals in Baetica — Hydatius says they were *omnes exstincti*, all extinguished — and reduced the Alans so severely that after their king Addax was killed the survivors abolished the name of their kingdom and put themselves under the Vandal king. Two peoples that had crossed the Rhine in 406 ceased to exist as political entities inside two years. In 585 Leovigild ended the Suevic kingdom of Gallaecia, which had been founded in the partition of 411. In 589 the Arian church of Spain, which had held the confession of the ruling people for two centuries, was dissolved into the Catholic hierarchy and left no library, no liturgy and no successor.

Campaigns. Leovigild's, annually, from 569 to 585: Medina Sidonia by treachery, Córdoba by night assault, Sabaria, Cantabria and Amaya, the Aregenses mountains, Orospeda — where, John of Biclaro records, the cities and forts were taken and then the rebelling *rustici* had to be crushed separately before the district was held — and part of Vasconia. Then the northern wars under Reccared, Gundemar, Sisebut, Suinthila and Wamba, across a further century, which Isidore describes as having exercised the people as in a wrestling school. Then the war against the imperial province, from 552 to 624.

One catastrophe with a shape. Under Theudis a Gothic force crossed to Ceuta and stormed the walls, then laid down its arms on the Sunday rather than profane the day. The garrison came out. Isidore says not one man survived to carry the news.

Judicial violence. The code punishes by the body at the bottom of society and by the purse at the top. Its floggings run in specified counts to two hundred and, in one provision, three hundred lashes. It provides for *decalvatio*, a permanent public marking of the head whose exact physical nature is disputed; for mutilation; and, for free persons, for reduction to slavery. Erwig's law against Jews who had not accepted baptism within a year prescribes a hundred lashes, shearing, exile and confiscation.

None of this was ever counted, because it was inflicted case by case, mostly by private hands.

And the standing violence. The largest item in this ledger is not an event at all. For the whole three centuries, the majority of the working population of the peninsula was unfree — slaves and *coloni* bound to land they did not own — and the code's provisions on fugitives, on the recovery of runaways, and on the penalties for harbouring them, are among its most detailed. Two laws restrain a master from killing or maiming his own slave without a judge; one council suppressed restraints on violence against slaves in 681 and another restored them in 693. That legislative traffic is the only trace such violence leaves. It produced no chronicle entries because it was not news.

The Jews. Forced baptism under Sisebut around 613. The removal of children from their parents decreed in 633. Signed abjurations kept on file from 637 onward. Twenty-eight new laws in 681, read aloud in every church of the kingdom. And in 694 a decree of enslavement, confiscation, dispersal to masters of the king's choosing, and the separation of children from the age of seven. How many people this touched is not recoverable. No Visigothic source gives a figure for the Jewish population of Hispania at any date, and the modern estimates vary too widely to be useful.

An order that spent eighty years legislating about a population, in ever more comprehensive detail, and never once counted it.

The metabolic column

The other half of the accounting is what the land took, and here — unusually — the evidence is better than the sword's, because it does not depend on anyone having chosen to record it.

The chronicler of 754 gives the textual spine. Of Erwig's reign, from 680: he ruled seven years, and Spain suffered a great famine. Of Egica's, from 687: this man oppressed the Goths with grim death, and a terrible plague fell mercilessly upon them in his time. And of 701: unable to bear the destruction of that disaster, Wittiza and his aged father came out of the palace and wandered through Spain.

A reigning king and his co-ruler abandoning Toledo and moving about the country to escape an epidemic. Whatever else the plague of those years was, it was severe enough to empty the capital of the government.

The scientific evidence now runs alongside the texts. A 2023 study in *Nature Communications* compiled pollen records from across Iberia and Morocco against palaeohydrological and archaeological data, and argues that a series of strong droughts in the later seventh and early eighth centuries contributed to the Visigothic kingdom's

crisis. Its authors line the proxies up against the chronicle: the famine of Erwig's reign; a bubonic plague affecting the peninsula in 691 to 692, associated with cold and drought conditions and low food productivity; further starvation and plague recorded for 702 to 703; severe famine in the years 707 to 709, immediately before the conquest; and starvation and plague again from 710 to 713.

The plague itself is not a Spanish event but a Mediterranean one. The first pandemic of *Yersinia pestis* ran in waves from about 541 to about 750, and recent archaeogenetic and archaeological work — mass graves, ancient DNA, ceramic evidence of economic contraction, and a study using episcopal turnover and conciliar legislation as an indirect measure of mortality — has begun to establish its presence in the peninsula where the texts are silent.

There is one large number in circulation and it must be handled at arm's length. The Arabic compilation known as the *Akhbār majmūʿa*, put together in the mid-eleventh century, states that around half the population of Hispania died of starvation between 706 and 710. That is three and a half centuries after the fact, from a source whose own dating is disputed, with no contemporary corroboration, and a figure of exactly one half is the kind of number that means *catastrophic* rather than fifty per cent. It should not be used as a measurement. It should be noted as evidence that the memory of a demographic disaster immediately before the conquest was strong enough to survive three hundred and fifty years.

The note was called before the conquest, not by it

That ordering is the module's principal finding, and it inverts the usual pattern.

The standard shape is that an advanced order lifts a population above the land's natural carrying capacity by coordination — irrigation, granaries, long-distance grain movement, the organisation of surplus — and that when conquest or revolution disrupts the coordination, the metabolic note is called and paid in famine and epidemic. The debt comes due *after* the political rupture.

Here it came due before. Famine in the 680s, plague from 691, starvation and epidemic in 702 to 703, severe famine from 707 to 709, all of it before a single ship crossed the strait. And the state's fiscal record tracks it precisely: Erwig cancelled arrears of tribute he could not collect in 683, and Egica did the same in 691 — the second remission falling in the very years the chronicler and the pollen record both place a plague and a drought.

So the metabolic column here belongs in the causal account rather than the consequential one. When the invasion came in 711, it met a state that had twice publicly forgiven what it was owed, that had twice legislated to compel its own

aristocracy to turn up at the muster, whose court had fled the capital from an epidemic a decade before, and whose population had been through three decades of intermittent hunger.

Why the conquest did not call it again

And then the conquest arrived, and — so far as the evidence goes — did not produce a further demographic collapse.

The reason is structural and it follows from everything this study has found about the settlement. There was no state-run agricultural coordination in Visigothic Spain to disrupt. No grain fleet, no *annona*, no imperial granaries, no irrigation bureaucracy, no state monopoly on the movement of food. The kingdom's fiscal apparatus was thin, its coinage was gold-only and touched no ordinary transaction, and it had no standing presence in the countryside. Production was villa-based, local, and organised by proprietors — and the proprietors did not change.

The proof is in the treaty. In April 713, twenty-two months after the battle, the Visigothic magnate Theodemir agreed terms with the new governor, and the schedule of what he was to render was specified in kind: from every free man, a dinar, four measures of wheat, four of barley, four of vinegar, two of honey and one of oil; half of that from every slave.

You do not write a tribute schedule in wheat, barley, vinegar, honey and oil for a countryside that has stopped producing. The document assumes fields being sown, presses working, hives kept, vines tended — two harvests after the kingdom fell, in a province that had just changed hands, by a man who had been a Visigothic commander and was still in charge of his seven towns.

The apex was replaced. The fields never stopped.

What the forgetting cost, and what it preserved

Return to the chronicler's sentence, because the accounting is not complete without it.

Two things had happened by 754 that made it possible for an educated, hostile, well-informed Hispano-Roman to describe the Gothic centuries as peaceful.

The first is that the violence had been *delegated*. The coercion that shaped ordinary lives in Visigothic Spain was administered by landlords on estates, under a law the crown wrote and rarely enforced. The state had no garrisons in the interior, no police and no registry. Violence of that kind produces no public events, no monuments, no numbers and therefore no memory. Chindaswinth's seven hundred were remembered

because they were noblemen and a foreign chronicler wrote them down. The far larger continuous violence — the floggings, the recovered runaways, the maimings that two laws and two councils tried to restrain — vanished as it happened, because it happened privately.

The second is that the founding transfer had been made unchallengeable and then left in place. Euric's code had barred any claim on the *sortes* and *tertiae* after fifty years and ordered that the ancient boundaries stand. Two centuries later the same *antiqua* — the Goth's two parts, the Roman's third, and let posterity not attempt to alter what fathers and neighbours divided — was still sitting in the code of 654, and still in the revision of 681. Nobody could sue over it and nobody needed to. It had become what the founding violence of a durable order always becomes: a boundary marker, a fact about where a field ends.

That is the grim accounting's oldest lesson and this case states it cleanly. The order had not concealed its origin. Isidore had written it down in the most explicit terms available, that the Goths *snatched* Spain and loved her. What had happened was not concealment but conversion: the origin had stopped generating any claim, and a fact that generates no claim ceases, functionally, to be remembered.

Exactly as, three hundred years earlier, a Spaniard had reached for the Roman conquest of Hispania as small change in an argument about something else — because two hundred years of Roman war had already become nothing new.

Reading the accounting against the framework

Four findings.

One: an order that keeps no body count is not a merciful order — it is one whose violence was delegated, and the absence of numbers measures the delegation rather than the quantity. The Visigothic state produced not one enumeration of the dead, flogged, exiled or enslaved across three centuries, and the only figure we have came from a hostile foreigner. Set that beside orders that publish their counts — the ones that carve captive numbers into palace reliefs — and the difference is not in how much violence occurred but in who performed it and why. State-performed violence is counted because the counting is part of the point; privately delegated violence is not counted because there is no audience to count it for.

The instrument: where an order's coercion is administered by private landholders under public law, expect no numerical record, and do not read the silence as evidence of restraint. Read the volume and repetition of the legislation instead — a code that must twice restrain masters from maiming their own slaves is describing a practice, not a hypothetical.

Two: the metabolic note can fall due before the political rupture rather than after it, and when it does it belongs in the causal column. Famine from the early 680s, plague from 691, further starvation in 702 to 703, severe famine 707 to 709 — all before the invasion. And the fiscal record tracks it: two formal remissions of uncollectable tax arrears, in 683 and 691. **The test is chronological and cheap: place the recorded subsistence crises against the recorded fiscal concessions. Where remissions of arrears cluster with famine and epidemic years and precede the collapse, the metabolic debt is a cause of the exhaustion crack, not a consequence of the rupture — and the analyst should stop looking for a further explanation of why the floor could not be raised.**

Three: whether a conquest calls the note depends on whether the productive coordination was state-run or private, and the successor's first tribute schedule settles the question. Where a state operates the irrigation, the granaries and the grain movement, replacing the apex stops the food, and the note is called immediately and violently. Where production is villa-based and local and the proprietors survive the conquest, the apex can be replaced without the fields noticing.

The evidence is a document rather than an inference: read the earliest treaty or tax schedule the conquerors imposed. If it is specified in kind — so many measures of wheat, of barley, of oil — and dated within a few years of the battle, the agricultural system never stopped, and the metabolic column for the conquest itself should be entered as small. In this case the document is dated twenty-two months after the kingdom fell.

Four: forgetting is fastest where the violence was delegated, and it does not require concealment. Two generations after the Visigothic kingdom ended, a hostile and well-read Christian writing under its successor described it as having held Spain peacefully for a hundred and forty years — a period containing eighteen years of internal conquest, a filicidal civil war, an extinguished kingdom, seven hundred executed noblemen, an army annihilated to the last man, seven kings violently removed, and the decreed enslavement of an entire religious population.

Nothing had been hidden. Isidore had put the seizure of Spain into a published book in the plainest possible verb. The founding property transfer was still printed in the law code, still naming the Goth's two parts and the Roman's third. **The mechanism of forgetting is not suppression but the closure of claims: once a founding violence can no longer be sued over, organised around, or converted into anybody's demand, it stops being a fact about the present and becomes a fact about the past — and facts about the past that generate no claims are, functionally, forgotten even when they are perfectly well known.** The prescription

clause is therefore not merely a legal device. It is the instrument by which an order schedules its own amnesia, and its expiry date can be read off the statute.

A note on sources. The Chronicle of 754 is used throughout and its author's position stated: an anonymous Christian writing in Latin in al-Andalus about forty years after the conquest, hostile to the new order, given to lament, and careful with chronology. His characterisation of the Gothic kingdom as having held Spain peacefully for some hundred and forty years, and his notices of famine under Erwig, of plague under Egica, and of Wittiza and his father leaving the palace in 701, are given here from the English translation rather than quoted in Latin, since I have not had Mommsen's text before me for these passages; the standard Latin is in *MGH Auctores antiquissimi* XI, and the modern critical edition is López Pereira's. Hydatius on the extinction of the Siling Vandals and the abolition of the Alan kingship, John of Biclaro on Orospeda and the *rustici*, and Isidore on the Ceuta disaster, on Leovigild's proscriptions and on the northern wars as exercise, are quoted or cited in earlier modules of this study from the Latin, with each chronicler's interest stated there. Fredegar's figures of two hundred *primates Gothorum* and five hundred *mediocres* are the only numerical datum in the sword column and are given as a hostile foreign chronicler's round numbers, not as a count.

The provisions of the *Liber Iudiciorum* on flogging tariffs, *decalvatio*, mutilation and enslavement, and Erwig's law prescribing a hundred lashes, shearing, exile and confiscation for Jews unbaptised after a year, are summarised from the published translations and from the modern literature rather than quoted in Latin; the physical nature of *decalvatio* is genuinely disputed and no position is taken. The Pact of Tudmir survives only in Arabic in later compilations and in variant recensions; its tribute schedule is given as reported, and it is dated in its own text to Rajab 94 AH, April 713.

For the metabolic column: the pollen-based argument is that of the 2023 *Nature Communications* paper on drought as a possible contributor to the Visigothic crisis and Islamic expansion in the Iberian peninsula, which compiles pollen records from Iberia and Morocco against palaeohydrological, archaeological and textual data; its correlations of the chronicle's famine and plague notices with drought proxies are the paper's and are reported as such, and the causal weight it assigns to climate is its authors' argument rather than an established consensus. The presence of the first plague pandemic in the peninsula rests on recent work summarised in the *Human Ecology* survey of the Justinianic pandemic in Iberia, drawing on mass graves, archaeogenetics, ceramic evidence and Henry Gruber's use of episcopal burial and conciliar legislation as an indirect measure of social impact; the overall mortality of the

first pandemic is currently contested in the literature, with a significant revisionist position holding its demographic effects to have been far smaller than once assumed, and nothing in this module depends on resolving that dispute. The claim that roughly half the population of Hispania died of starvation between 706 and 710 comes from the *Akhbār majmūʿa*, a mid-eleventh-century Arabic compilation whose dating is itself disputed; it is recorded here as a memory rather than a measurement, and should not be used as a figure.

Modern scholarship paraphrased and credited: Roger Collins and E. A. Thompson throughout; the authors of the *Nature Communications* drought study; Henry Gruber, Andrew Kurt, Neil Roberts and their co-authors on the Justinianic pandemic in Iberia; the current debate on the demographic scale of the first plague pandemic, in which the position taken here is deliberately agnostic. Contested figures given as ranges or refused: the Jewish population of Visigothic Spain, for which no usable estimate exists; the mortality of the pre-conquest famines; the size of the invading force; and Fredegar's seven hundred.

MODULE 12

As It Had Been at Toledo

Convergence and divergence — what this order shared, where it chose differently from the neighbour who lived, and the case that can be made for it

What this kingdom shared

Set the Visigothic kingdom beside the other orders this project has examined and four things it shares stand out, none of them peculiar to Spain.

It was a small armed minority ruling a very large population — somewhere between one in fifty and one in ten, with the archaeology favouring the lower end. That is the ordinary condition of conquest orders, not the exception, and it is the reason belief matters: force alone cannot hold such a ratio, and every order in that position must find something that makes the holding cheap.

Its settlement went one stratum deep. The transfer of 418 and after was a conveyance between proprietors; the labouring majority was neither compensated nor dispossessed and never became a party. That, too, is common — and it produced the usual consequence, which is that the order was never seriously threatened from below and never seriously supported from below either.

Its floor was strong at the bottom and weak at the top. This is the single most repeated finding in the corpus. Norman England, in the study already in this collection, produced it in almost the same words: an order rock-solid at the base, where nobody has been persuaded of anything and nobody needs to be, and permanently unstable at the apex, where the king's title rests on a succession rule that does not exist. Two conquests three centuries apart, on different ground, with different instruments, arriving at the same shape.

And it fell the way such orders fall: to another apex, arriving into a fracture the order had made itself, while the population it ruled did not move in either direction. The Inca met the Spanish in the middle of a war between Atahualpa and Huáscar. The Visigoths met Tariq eighteen years after a statute barring rebels' heirs from office, and a year after a disputed accession, with an army that the earliest witness says came to the field out of ambition for the kingdom.

Where it diverged, and the case that makes the divergence visible

The framework's discipline is to look for two men in comparable positions who chose differently, and here the comparison is not hypothetical. It is sitting on the other side of the Pyrenees, in the same century, working with the same Roman wreckage, the same Germanic inheritance, the same Church.

The Franks made three different choices, and the third decided everything.

They took no shares. There is no Frankish settlement law, no *sortes*, no *tertia*. Clovis and his successors did not divide estates with Gallo-Roman proprietors; they seized the imperial fisc — the vast stock of land that had belonged to the Roman state — and distributed that. Where the Goths became landlords beside their subjects, the Franks became landlords in the state's place.

They converted early. Clovis accepted Catholic baptism at a date the sources leave disputed, somewhere between 496 and 508. Reccared abjured Arianism in 589. The gap is between eighty and ninety years, and it falls in exactly the period when the confessional boundary was hardening into an ethnic one. The Franks never had an Arian century to climb out of; the Goths spent theirs being the heretics in their own kingdom, and it cost them a civil war, a failed royal programme of conversion, and — when they finally crossed — the surrender of their children's formation to the institution of the people they ruled.

And they kept the kingship inside one family. This is the decisive divergence and it is worth stating with precision, because the Frankish arrangement was not more peaceful than the Visigothic one. It was arguably less so. Merovingian kingdoms were partible: a king's realm was divided among his sons, and the sixth and seventh centuries in Gaul are a near-continuous record of brothers and cousins at war, of assassinations, of queens ordering murders, of kingdoms partitioned and reunited and partitioned again. Gregory of Tours, who supplied this study with its sneer about the Gothic disease of killing kings, filled ten books with Frankish violence.

But the Frankish throne was never *open*. It belonged to one lineage. A magnate, however powerful, could not become king of the Franks, and the measure of how absolute that rule was is what it took to break it: when Pippin finally displaced the last Merovingian in 751, he had to obtain a ruling from the pope first, because nothing inside Frankish practice permitted it. Two hundred and seventy years, one family.

The Visigothic throne, by the seventy-fifth canon of 633, was elective — to be filled by the leading men of the people together with the priests, in common counsel. It was open to any magnate who could assemble a majority and an army.

So: Frankish elites fractured constantly and the order never changed hands, because every faction's candidate was a Merovingian and the winner was therefore always the

same institution. Visigothic elites fractured and the order changed hands at every vacancy, because the prize was available to whoever took it, and the man who took it had to destroy the faction that had backed against him.

The Goths did not choose the worse rule out of barbarism. They chose it deliberately, twice, to fix a problem: election in 633, after Suinthila's deposition; the separation of the crown's property from the king's in 653, after Chindaswinth's attempt to found a dynasty. Both reforms were aimed at exactly the disorder they are blamed for. Both removed heredity — which is the mechanism that makes succession dull — and replaced it with nothing that could survive a determined magnate.

The inversion of Norman England

The other comparison in this collection sharpens the finding from the opposite direction, because the two orders have the same defect at the apex and opposite structures beneath it.

In Norman England every title traced to the king. The Conquest had erased the previous tenurial order and reissued it; nothing under a baron's title was older than 1066; and the consequence, as that study puts it, is that there is no such thing in Norman England as a local dispute that does not ultimately turn on who is king. Instability at the top propagated all the way down. The settlement's strength and its fragility were the same feature.

In Visigothic Spain titles did not trace to the king. The *sortes* and the *tertiae* were protected against reopening after fifty years by a law already old when Recceswinth's code preserved it, and their boundaries were the ones fathers and neighbours had walked. A Gothic landholder's claim did not depend on which man sat at Toledo, and could not be improved by changing him. Apex instability therefore did not propagate downward at all.

That explains the two facts about this kingdom that otherwise sit oddly together: that it was convulsed at the top for two centuries without its structure ever coming into question, and that when the apex was finally destroyed the structure carried on without a pause — a treaty in wheat and barley twenty-two months after the battle, a Gothic noble raising twenty-seven thousand *solidi* at three days' notice a generation later, and a new cadastral survey of the same fields inside a decade.

The floors were opposite too. England in 1066 had, on the record, perhaps four private castles; the Normans installed a resident floor, a castle in a district held by one man and his household, and it was still there when the kings were fighting. The Visigoths never built one. Their army was summoned, from the households of great men and a proportion of their armed slaves, by statutes that had to threaten bishops

and dukes with exile to get them to come. A summoned floor can win a battle and cannot survive losing one, because there is no second army standing in the country.

Norman England: fragile structure, resident floor. Visigothic Spain: robust structure, summoned floor. Each order's defect is the mirror of the other's, and each defect is a consequence of how the settlement was written.

The strongest counter-position

Now the case against everything above, stated as strongly as it can be made, because a study that will not do this is worth nothing.

You have described an order that borrowed its legitimacy, surrendered its children's formation, rented its only channel to its population, could not collect its taxes or raise its army without threatening its own nobility, killed its kings for two hundred years, and lost the peninsula in fifteen months. Very well. Now look at what it actually made.

It gave Iberia its first political unity in recorded history. Not the Romans, who governed it in provinces; not the Carthaginians; not anyone before. Suinthila in 624 was the first ruler to hold the whole peninsula within the strait of the Ocean, and Isidore says so in the plain knowledge that it had never happened.

It produced the Liber Iudiciorum*: a territorial code, one law for every inhabitant regardless of descent, promulgated in 654 — four centuries before anything comparable anywhere in Europe. That code was still being used in Spain six hundred years later, translated into Castilian in 1241 by order of Ferdinand III and granted as a* fuero *to reconquered towns. No other post-Roman kingdom produced a legal instrument with that reach or that life.*

It produced the councils of Toledo: eighteen national assemblies over a hundred and fourteen years, the most sophisticated deliberative institution in the post-Roman West. They invented an elective monarchy with a written accountability clause binding the king. They produced, in 683, a charter protecting the persons and property of the nobility against the crown, which the king confirmed as civil law. And in 688 they refused a reigning king's demand to repeal it. That is constitutional government, in the seventh century, with the minutes surviving.

It produced Isidore's Etymologiae*, which became the reference work of the entire Latin West for eight hundred years and survives in more manuscripts than almost any other secular book of the Middle Ages. Whatever the early medieval West knew, it substantially knew because a bishop of Seville, working inside this kingdom, wrote it down.*

It produced royal unction — a king kneeling to receive oil from a bishop — in 672, eighty years before the Franks adopted the rite that would define western monarchy until the modern age.

And it abolished the legal barrier between conqueror and conquered, struck out an inherited Roman prohibition on intermarriage, and fused two peoples into one so completely that by the seventh century the distinction survived only as a note in a property deed.

To weigh all that against one lost battle, and call the order a failure, is to judge a civilisation by its last afternoon.

Answering it

Every item on that list is true and none of it should be discounted. But the list can be read a second way, and the second reading is this study's.

Take the items in order. The *Liber Iudiciorum* was drafted overwhelmingly from Roman jurisprudence, by clerics, and promulgated by a king whose father had murdered his way to the throne. The councils were the Church's assembly; the crown could set an agenda in a *tomus* and confirm the result in a law, and it supplied neither the drafters nor the venue nor the sanction. The *Etymologiae* was written by a bishop whose school existed because the Hispano-Roman episcopate had been running residential schools for children since 527 — under Arian kings who had nothing to do with it and no equivalent of their own. The unction was performed by a metropolitan on a kneeling king, and the same institution used the same authority, eight years later, to remove him.

Every achievement on that list was produced by the Church, or by an aristocracy bargaining with a weak crown. Which is to say: by the institutions this study has shown the crown did not control.

That would be a satisfying answer and it is too neat, so it must be pushed further.

The Gothic monarchy was not a parasite on a Hispano-Roman civilisation that would have flourished without it. It supplied the one thing that civilisation could not supply for itself, which was a frame.

There was no unified Spain before Leovigild; Isidore says the Goths were hemmed within narrow bounds. National councils require a nation. The Fourth Council's decree of one order of prayer and psalmody *throughout all Spain and Gaul* is only sayable in a kingdom that holds Spain and Gaul, and its stated reason — that there should be no differing custom among us, who are held together by one faith and one kingdom — makes the dependency explicit in the canon's own words. A territorial law code requires a territory. The metropolitan primacy of Toledo, established in 681, is the primacy of a royal capital. The bishops' authority to protect the poor against oppressive judges ran through an appeal to a king.

And when the frame went, the content went with it. The metropolitan of Toledo took ship for Rome. The councils stopped — the acts of the eighteenth do not even survive. The unified liturgy fragmented into local uses. It took seven centuries to reassemble anything like the peninsular scale the Gothic kingdom had given the Spanish Church in a hundred and twenty years.

So the honest verdict is neither of the two available ones. The Goths supplied a frame and could not supply an apex. The Church supplied the content and could not supply a floor. Each was necessary; neither was sufficient; and the order died of a defect in the one part that could not be borrowed from anybody.

As it had been at Toledo

There is a coda, and it is the strangest thing in this study.

Around the year 800, in a small Christian principality in the northern mountains — in the very country six Visigothic kings had campaigned in for a century and never subdued — Alfonso II of Asturias set up his court at Oviedo. A chronicler of the following century recorded what he did there:

> *omnemque Gotorum ordinem, sicuti Toleto fuerat, tam in eclesia quam in palatio, in Ouetao cuncta statuit.*
> *And he established at Oviedo the whole order of the Goths, entirely as it had been at Toledo, both in church and in palace.*

Eighty or ninety years after the kingdom fell, a ruler whose territory the Visigoths had never governed reconstituted their order — its church arrangements, its palace offices — as the constitution of his own realm. And that claim did not stop there. The Chronicle of Alfonso III was written expressly to establish continuity between the Gothic kingdom and the Christian polities of the north, and made Pelayo either a royal Goth or a member of the last Visigothic kings' guard. The Asturian, Leonese and Castilian crowns carried the neo-Gothic claim forward for centuries; Lucas of Tuy in 1238 and Rodrigo Jiménez de Rada in the 1240s wrote it into the authoritative Latin histories of Spain; the *Liber Iudiciorum* came out in Castilian in 1241 as the *Fuero Juzgo* and was granted to reconquered towns as their law; and the whole eight-hundred-year project of southward expansion was framed, in its own documents, as the restoration of a kingdom that had ended in 711.

The Visigothic kingdom's most durable export was not its law, though its law lasted six hundred years. It was not the *Etymologiae*, though that lasted longer. It was its legitimacy — and the legitimacy was taken up, after the kingdom was dead, by polities

with no institutional continuity to it whatever, and used to justify eight centuries of war.

An order that could not manage its own succession for two consecutive generations became, once safely extinct, the succession that everyone else claimed.

Reading the study against the framework

Three findings close this case, and they are offered as the study's contribution to the corpus.

One: the succession rule is the one thing an order cannot borrow. This study has watched the Visigothic monarchy rent almost everything. Its legitimacy came from a church it did not control, bought in gold crowns hung over altars and in oil poured on a kneeling head. The formation of its own children was handed to the same institution and consumed its people within three generations. Its only channel to the population was a network of pulpits it did not own. Its principal accumulation of wealth was outpaced by that institution's, because donations are permanent and confiscations are reversible. Even its founding force was subcontracted — the Goths entered Hispania under Roman treaty, killing other barbarians *Romani nominis causa*.

All of that was survivable, and much of it was cheap. The one thing no lender could supply was a rule for who rules next. That has to be produced internally, and where it is left to an assembly that contains every man with a claim, and where the office it confers can destroy every other position in the kingdom, the result is not a monarchy with an unfortunate habit. It is **a permanent civil war with a civilisation on top of it.**

The general form: **inventory what an order borrows and from whom, and then ask what remains that cannot be borrowed. Where the succession is on that list unsolved, no quantity of borrowed strength elsewhere will compensate, because every borrowed strength is delivered to whoever holds the apex, and the question of who that is has been left open.**

Two: structural robustness and apex fragility are independent variables, and the settlement decides which you get. Norman England: every title traced to the crown, so the order was fragile all the way down and instability at the top propagated to the bottom. Visigothic Spain: titles were prescription-barred and independent of the crown, so the order was robust all the way down and instability at the top propagated nowhere.

Neither is simply better. The Norman arrangement gave the king enormous leverage over his aristocracy and made every baron's interest identical to the crown's survival. The Visigothic arrangement gave the aristocracy security and made not one of them

dependent on the king's survival at all — which is why an army could ride south in 711 and decline to fight for him.

The diagnostic is direct: ask whether a landholder's title in the order can be improved or destroyed by a change of ruler. Where it can, expect apex crises to shake the whole structure and expect the elite to defend the incumbent. Where it cannot, expect a structure that ignores apex crises entirely — and expect it to survive the arrival of a new apex without noticeable disturbance, because it has no reason to prefer the old one.

Three: an order's most durable export may be its legitimacy rather than its institutions, and a robe can outlive its floor by centuries and be worn by strangers. The framework holds that a built story becomes real, and that the origin's having been built does not make the belief a lie. This case extends that in an unexpected direction. The Visigothic robe — the *gens Gothorum*, the sacred Hispania of the *Laus Spaniae*, the unity of one law and one faith — did not merely survive its makers. It survived the destruction of its floor, its state, its church organisation and its ruling people, and was then picked up and worn, eighty years later, by a mountain kingdom that had never been part of it, and worn continuously for eight hundred years afterwards by polities steadily less connected to it, as the charter for the largest political project in Iberian history.

Where a story of legitimacy is taken up by successors who have no continuity with the order that produced it, that is the strongest available evidence that the story had genuinely become real rather than merely useful — because a story that was only ever a tool of the men who profited from it dies with them, and this one was still doing work six hundred years after the last man who profited was dead. It is also a warning. A robe with no floor under it is available to anyone. The men at Oviedo were not lying and were not deceived; they were doing what Isidore had done when he wrote that the Goths snatched Spain and loved her, and what Orosius had done when he reached for two hundred years of Roman conquest as small change. They were putting on the furniture of a reality that had been built, that had become real, and that was now — its builders having failed at the one task nobody could do for them — lying in the road, unattended.

A note on sources. The Latin of the Albeldense chronicle on Alfonso II — *omnemque Gotorum ordinem, sicuti Toleto fuerat, tam in eclesia quam in palatio, in Ouetao cuncta statuit* — is quoted from the text as reproduced in the current scholarly literature, where minor orthographic variants occur between printings; the chronicle was composed in the late ninth century, some hundred and seventy years after the fall of Toledo, by a court with an explicit interest in the continuity it asserts, and it should

be read as a claim rather than as a description of institutional descent. The Chronicle of Alfonso III, which survives in two recensions of differing ideological intensity, was composed for the same purpose and with the same interest. Isidore of Seville, John of Biclaro, Hydatius, Julian of Toledo, Fredegar, the conciliar acts of Toledo, the *Liber Iudiciorum*, the Chronicle of 754 and the Pact of Tudmir are used throughout this study and their texts, editions, biases and limitations are stated in the modules where each is quoted. Where Latin was not available to me I have summarised rather than reconstructed, and marked it.

For the Frankish comparison: the absence of any Frankish settlement law dividing estates, as against the Burgundian and Visigothic provisions, is the established position in the modern literature and is credited to it rather than argued here. The date of Clovis's baptism is genuinely disputed within roughly 496 to 508 and is given as a range. The Merovingian monopoly of the Frankish kingship from 481 to 751, and the necessity of papal sanction for Pippin's displacement of Childeric III, are standard and are stated without citation of a primary text, since no primary text is quoted for them. Gregory of Tours' *Libri Historiarum* is the principal narrative source for Merovingian succession violence and its author's partisanship is noted in an earlier module of this study.

For the Norman comparison: the account of the Norman settlement's tenurial dependence on the crown, of England's near-absence of castles before 1066, and of the resulting propagation of apex instability downward, is drawn from the Norman England study in this collection, which in turn credits George Garnett's argument on the tenurial consequences of the Conqueror's fabricated continuity with Edward.

Modern scholarship paraphrased and credited across the study: Roger Collins, E. A. Thompson, Rachel Stocking, Walter Goffart, Herwig Wolfram, Guy Halsall, Chris Wickham, Gisela Ripoll, Javier Arce, Rory Naismith, Ruth Pliego, Andrew Kurt, Damián Fernández, Michael Kelly, Isabel Velázquez, Liubov Chernin, Henry Gruber, and the authors of the 2023 *Nature Communications* study on drought in the late Visigothic period. Contested throughout and flagged where used: the physical form of the Visigothic settlement; the population ratio; the ethnic reading of the Meseta cemeteries; the survival of the *tributum*; Fredegar's execution figures; the double recension of Isidore's *Historia*; the size of the invading force of 711; and the mortality of the first plague pandemic in Iberia.